Washington, Wednesday, March 2, 1955

TITLE 3—THE PRESIDENT PROCLAMATION 3082

DETERMINING 4,4-DIPHENYL-6-DIMETHYL-AMINO-3-HEXANONE TO BE AN OPIATE

BY THE PRESIDENT OF THE UNITED STATES

OF AMERICA

A PROCLAMATION

WHEREAS section 4731 (g) of the Internal Revenue Code of 1954 provides in part as follows:

Opiate. The word "opiate" as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g) 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining llability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate.

AND WHEREAS, the Secretary of the Treasury after due notice and opportunity for public hearing, has found that the following named drug has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

4.4 - diphenyl 6 - dimethylamino 3 hexanone.

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that the aforementioned drug has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 23d day of February in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F R. Doc. 55-1840; Filed, Feb. 28, 1955; 3:03 p. m.]

PROCLAMATION 3083

RED CROSS MONTH, 1955

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS for more than seventy years the United States Government has participated, with other governments, in international treaties which fix responsibility for providing comfort and relief to sick and wounded members of the armed forces, and which establish the Red Cross as the protective symbol under which those purposes shall be achieved; and

WHEREAS these treaties envisioned the need for establishing in each participating country a volunteer organization to assist the government in carrying out its obligations, and to engage in such other humanitarian activities as the government might prescribe; and

WHEREAS, by appropriate Federal statute and in accord with its international commitments, the Government of the United States has established the American National Red Cross as this Nation's official volunteer agency to act in matters of relief under the treaties, and has prescribed other humanitarian duties to be performed by the Red Cross on behalf of the Government and people of the United States; and

WHEREAS during the last half century the American people, through Red Cross membership and the voluntary contribution of their time, their blood, and their money, have made possible the assumption and discharge by the American National Red Cross of its obligations during periods of both war and peace;

WHEREAS, through its services to our armed forces all over the world, its extension of relief to sufferers from disasters at home and abroad, its blood program, its Junior Red Cross activities, and its contributions in the fields of nursing, first aid, and water safety the American National Red Cross has strengthened the Nation by saving lives, salvaging hopes, and preserving human dignity and

WHEREAS, by reason of its origin, its official status, its record of accomplishment, and the humanitarian purposes that it serves, the American National

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support of all the American people: NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1955 as Red Cross Month, and I urge all Americans during that month to assure the continuing effectiveness of the work of the Red Cross by contributing liberally of their funds and by enrolling for active membership in this organization.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of February in the year of our Lord nineteen hundred and fifty-five, and of the Independ-[SEAL] ence of the United States of America the one hundred and seventyninth.

DWIGHT D. EISENHOWER

By the President:

1295

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Herbert Hoover, Jr., Acting Secretary of State.

[F R. Doc. 55-1841; Filed, Feb. 28, 1955; 3:03 p. m.]

RULES AND REGULATIONS

TITLE 6-AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1954 Emergency Feed Program, Amdt. 3]

PART 475—1954 EMERGENCY FEED PROGRAM

EXTENSION OF TIME

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service published in 19 F R. 5466, and 6472 and 20 F R. 560 are amended so that the Executive Vice President, CCC, or his delegatees, may when it is deemed to be in the best interests of the program, extend the time within which a Purchase Order or Dealer's Certificate may be presented.

Section 475.9 Extension of time is amended to read as follows:

§ 475.9 Extension of time. The Executive Vice President, CCC, may, when he deems it to be in the best interests of the program, extend the time within which a Purchase Order or Dealer's Certificate may be presented and he may, under such terms and conditions as he determines will serve the best interests of the program, delegate to others the authority to extend the time within which a Purchase Order or Dealer's Certificate may be presented.

This amendment shall be applicable only with respect to Purchase Orders and Dealer's Certificates which have not expired on or before the date of issuance of this amendment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., 714b. Interprets or applies sec. 407, 63 Stat. 1055, as amended, sec. 301, Pub. Law 480, 83d Cong., 7 U. S. C. 1427)

Issued this 25th day of February 1955.

[SEAL] WALTER C. BERGER, Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-1805; Filed, Mar. 1, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 257]

PART 966—MILK IN THE SHREVEPORT, LOUISIANA, MARKETING AREA

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AUTHORITY: §§ 966.1 to 966.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 966.0 Findings and determinations-(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Shreveport, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest:

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commerical activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his prorata share of such expense, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts within the month of (i) producer milk, including such handler's own production, (ii) other source milk at a fluid milk plant which is allocated to Class I milk, and (iii) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant.

(b) Additional findings. In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make

any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all provisions of this order was issued on February 8, 1955. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 966.1 through 966.21, 966.25 through 966.27, 966.30 through 966.34, 966.40 through 966.46, 966.60, 966.61, 966.80 through 966.83, 966.94, 966.100 through 966.103, 966.110 and 966.111 effective on March 15, 1955, and the entire order (§§ 966.1 through 966.111) effective April 1, 1955. It would be contrary to the public interest to delay such effective dates of this order for 30 days after its publication in the Federal Reg-ISTER. (See section 4 (c) Administrative Procedure Act, 5 U.S. C. 1001 et seq.)

- (c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Shreveport, Louisiana marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:
- (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;
- (2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area, and
- (3) The issuance of this order is approved or favored by at least three-fourths of the producers who, participated in a referendum thereon and who, during the determined representative period (December 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

- § 966.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)
- § 966.2 Secretary. "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

- § 966.3 Department. "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.
- § 966.4 *Person*. "Person" means any individual, partnership, corporation, association, or any other business unit.
- § 966.5 Cooperative association. "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:
- (a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended known as the "Capper-Volstead Act" and
- (b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.
- § 966.6 Shreveport, Louisiana, Marketing Area. "Shreveport, Louisiana, Marketing Area," hereinafter called the "marketing area," means all territory within the boundaries of the Parishes of Caddo, DeSoto, Red River, Webster, Bossier and the Cities of Homer and Haynesville in Claiborne Parish, all in the State of Louisiana.
- § 966.7 Distributing plant. "Distributing plant" means any plant from which a volume of Class I milk equal to an average of more than 1,500 pounds per day or not less than 4 percent of the Grade A milk and skim milk received from producers and other plants is disposed of during the month through routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets except fluid milk plants) located in the marketing area.
- § 966.8 Supply plant. "Supply plant" means any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant:
- (a) On four or more days or in an amount equal to a daily average of not less than 1,000 pounds in any of the months of April through June; and
- (b) On ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through March.
- § 966.9 Fluid milk plant. "Fluid milk plant" means a distributing plant or a supply plant.
- § 966.10 Approved plant. "Approved plant" means (a) a fluid milk plant and (b) any milk processing or packaging plant from which Class I milk is disposed of through routes (including routes operated by venders) or through plant stores to retail or wholesale outlets located in the marketing area.
- § 966.11 Nonfluid milk plant. "Non-fluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant.
- § 966.12 Producer "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade "A" inspection requirements for milk for fluid consumption which milk is (a) received at a fluid milk

- plant or (b) diverted for the account of a handler from such plant during the months of April through June to a non-fluid milk plant: Provided, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.
- § 966.13 Producer milk. "Producer milk" means all skim milk and buterfat in milk produced by a producer and received at the fluid milk plant directly from producers or diverted pursuant to § 966.12.
- § 966.14 Other source milk. "Other source milk" means all skim milk and butterfat contained in:
- (a) Receipts during the month in the form of products designated as Class I milk pursuant to § 966.41 (a) (1) except (1) such products received from other fluid milk plants, or (2) producer milk; and
- (b) Products designated as Class II milk pursuant to § 966.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted to another product during the month.
- § 966.15 Handler "Handler" means any person in his capacity as the operator of one or more approved plants.
- § 966.16 Producer-handler "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from dairy farmers or producers.
- § 966.17 Base-forming period. "Base-forming period" means the months of September 1954 through January 1955 and September through December thereafter.
- § 966.18 Base-operating period. "Base-operating period" means the months of February through July.
- § 966.19 Base milk. "Base milk" means milk received by a handler during each month of the base-operating period from each producer which is not in excess of such producer's base computed pursuant to § 966.80.
- § 966.20 Excess milk. "Excess milk" means producer milk, received by a handler during the base-operating period, which is in excess of the base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.
- § 966.21 Chicago butter price. "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 966.25 Designation. The agency for the administration of this part shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, discretion of the Secretary.

- § 966.26 Powers. The market administrator shall perform all duties neceswith respect to this part:
- (a) To administer its terms and provisions:
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.
- § 966.27 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:
- (a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.
- (d) Pay out of funds provided by § 966.94 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 966.93 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate:
- (f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;
- (g) Verify all reports and payments by each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;
- (h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 966.30 through 966.32, or payments pursuant to §§ 966.90 through 966.95, inclusive.
- (i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this re-

- and shall be subject to removal at the port the milk so received shall be pro rated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class:
 - (j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:
 - (1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to § 966.51 (a) and the Class I butterfat differential pursuant to § 966.52 (a) both for the current month, and the minimum price for Class II milk pursuant to § 966.51 (b) and the Class II butterfat differential pursuant to § 966.52 (b) both for the preceding month:
 - (2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 966.72 or § 966.73 as applicable, and the butterfat differential computed pursuant to § 966.91.
 - (k) On or before the 12th day after the end of each month, mail to each handler at his last known address a statement showing for such handler.
 - (1) The amount and value of producer milk in each class and the total thereof;
 - (2) For the months of the base-operating period, the amounts and value of his base and excess milk, respectively.
 - (1) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

- § 966.30 Reports of receipts and utilization. On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his fluid milk plants as follows:
- (a) The quantities of skim milk and butterfat contained in milk received from each producer and, for the months of the base-operating period, the quantities of base milk and excess milk;
- (b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 966.41 (a) (1) received from fluid milk plants of other handlers;
- (c) The quantities of skim milk and butterfat in other source milk;
- (d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 966.41 (a) on hand at the beginning and end of the month,
- (e) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area, and
- (f) Such other information with respect to receipts and utilization as the market administrator may prescribe.
- § 966.31 Payroll reports. On or before the 20th day of each month, each handler, except a producer-handler shall submit to the market administrator his producer payroll for deliveries of milk

- for the preceding month for each of his fluid milk plants which shall show
- (a) The name and address of each producer.
- (b) The total pounds and the average butterfat test of milk received from such producer.
- (c) The number of days, if less than the entire month, for which milk was received from such producer and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;
- (d) The rate and net amount of payment to each producer; and
- (e) The nature and amount of any deductions or charges involved in such payments.
- § 966.32 Other reports. (a) Each producer-handler and each handler operating a nonfluid milk plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonfluid milk plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and name of the plant to which such milk is to be diverted.
- § 966.33 Records and facilities. Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:
- (a) The receipts and utilization of all skim milk and butterfat from any source:
- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;
- (c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and
- (d) Payments to producers and cooperative associations including any deductions authorized by producers or cooperative association and disbursements of money so deducted.
- § 966.34 Retention of records. books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain. Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act, or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator.

either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 966.40 Skim milk and butterfat to be classified. All skim milk and butterfat at fluid milk plants which is required to be reported for the month pursuant to § 966.30 shall be classified by the market administrator pursuant to the provisions of §§ 966.41 to 966.46, inclusive.

§ 966.41 Classes of utilization. Subject to the conditions set forth in §§ 966.43 and 966.44, the classes of utilization shall be as follows:

- (a) Class I milk. Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (except eggnog, aerated cream products, ice cream, mixes for ice cream and other frozen dairy products, and evaporated milk and condensed milk and milk products packaged in hermetically sealed containers) (2) used to produce concentrated fluid milk; and (3) not specially accounted for as Class II milk.
- (b) Class II milk. Class II milk shall be all skim milk and butterfat.
- (1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) (1) of this section;
- (2) Disposed of and used for livestock feed,
- (3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month;
- (4) In shrinkage not to exceed 2 percent (five percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, in receipts from producers and other source milk; and
- (5) Disposed of to commercial bakeries or food product manufacturing plants (other than nonfluid milk plants) which do not dispose of milk for fluid consumption.
- § 966.42 Shrinkage. The market administrator shall assign shrinkage at the fluid milk plant(s) of a handler as follows:
- (a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and
- (b) Assign the resulting amounts prorata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.
- § 966.43 Responsibility of handlers and reclassification of milk. (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

'(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 966.44 Transfers. Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

- (a) As Class I milk if transferred in the form of products designated as Class I milk in § 966.41 (a) (1) to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 966.30 · Provided, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 966.46 (a) (2) and (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: And provided further That if either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;
- (b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 966.41 (a) (1)
- (c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant, unless the following conditions are met:
- (1) The transferring handler claims Class II utilization in a product specified in § 966.41 (b)
- (2) The operator of such nonfluid milk plant maintains adequate books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification, and
- (3) The Class I milk, as defined pursuant to § 966.41 (a) (1) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines constitute the regular source of supply for such plant: Provided, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk or cream so transferred or diverted.

§ 966.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids content of such product together with all of the

water originally associated with such solids content.

- § 966.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 966.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:
- (a) Skim milk shall be allocated in the following manner:
- (1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 966.42 (b)
- (2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 966.14;
- (3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 966.41 (b) (3)
- (4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 966.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 966.44 (a)

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

- (6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."
- (b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.
- (c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk,

MINIMUM PRICES

§ 966.50 Basic formula price. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a) (b) and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight, reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich. Carnation Co., Sparta, Mich. Pet Milk Co., Hudson, Mich. Pet Milk Co., Wayland, Mich. Pet Milk Co., Coopersville, Mich. Borden Co., Orfordville, Wis. Borden Co., New London, Wis. Carnation Co., Richland Center, Wis.

Carnation Co., Oconomowoc, Wis. Pet Milk Co., New Glarus, Wis. Pet Milk Co., Belleville, Wis. White House Milk Co., Manitowoc, Wis. White House Milk Co., West Bend, Wis.

- (b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph.
- (1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.
- (2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.
- (c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Co., Sulphur Springs, Tex. The Borden Co., Mount Pleasant, Tex. Lamar Creamery, Paris, Tex.

§ 966.51 Class prices. Subject to the provisions of §§ 966.52 and 966.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

- (a) Class I milk price. The Class I milk price shall be the basic formula price as determined pursuant to § 966.50, plus \$2.00 for each of the months of March, April, May June and plus \$2.20 for all other months.
- (b) Class II milk price. The Class II milk price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the higher of the prices computed pursuant to § 966.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.
- § 966.52 Butterfat differentials to handlers. For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 966.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:
- (a) Class I price. Multiply the Chicago butter price for the preceding month by 0.120;
- (b) Class II price. Multiply the Chicago butter price for the current month by 0.110.
- § 966.53 Location differentials. If milk is received from producers at a fluid milk plant located more than 40 miles from the Shreveport City Hall, the Class I price for such milk shall be 1.75 cents less per hundredweight for each

10 miles or fraction thereof that such plant is located from the Shreveport City Hall by the shortest hard-surfaced highway distance as determined by the market administrator.

APPLICATION OF PROVISIONS

§ 966.60 Producer-handler Sections 966.40 through 966.46, 966.50 through 966.53, 966.70 through 966.72, 966.80 through 966.82, and 966.90 through 966.96 shall not apply to a producerhandler.

- § 966.61 Plants subject to other Federal orders. (a) An approved plant will be considered to be a nonfluid milk plant during the month for the purpose of this order if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Shreveport marketing area (i) through retail or wholesale outlets (other than distributing plants) during the month, or (ii) to distributing plant(s) in each of the preceding months of September through December, and (2) such plant would be subject to the classification and the pricing provision of such other order.
- (b) The operator of such approved plant shall with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 966.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 966.70 Net obligation to handlers. The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together resulting amounts;

- (b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 966.46 (a) (6) and (b) by the applicable class price;
- (c) Add an amount computed as follows:
- (1) Determine the pounds, if any, that the skim milk or butterfat in inventory subtracted from Class I milk pursuant to § 966.46 (a) (3) and (b) is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and
- (2) Multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials:
- (d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months:

- § 966.71 Computation of aggregate value used to determine uniform prices. For each month, the market administrator shall compute for each handler who operates a fluid milk plant an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:
- (a) Add or subtract from the amount computed pursuant to § 966.70 for each one-tenth percent that average butter-fat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk:
- (b) Add an amount equal to the total deductions to be made pursuant to § 966.92; and
- (c) Add the amount represented by any deductions made for eliminating a fraction of a cent in computing the uniform price(s) for such handler for the preceding month.
- § 966.72 Computation of uniform prices. For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of the producer milk received by such handler. The result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content at a fluid milk plant located not more than 40 miles from the City Hall of Shreveport, Louisiana.
- § 966.73 Computation of the uniform prices for base milk and for excess milk. For each of the months of the base-operating period, the market administrator shall compute for each handler a uniform price for base milk and for excess milk as follows:
- (a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;
- (b) Compute the value of base milk received by such handler by subtracting the value obtained pursuant to paragraph (a) of this section from the value obtained pursuant to § 966.71. Provided, That if such resulting value is greater than the amount computed by multiplying the hundredweight of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section to the extent the excess price shall not exceed the base price. Any additional value remaining shall be protated on a volume basis between excess and base milk;
- (c) Divide the value obtained pursuant to paragraph (b) of this section by the hundredweight of base milk. This result less any fraction of a cent per hundredweight shall be known as the unform price for base milk of 4.0 percent butterfat content at a fluid milk plant located not more than 40 miles from

the City Hall of Shreveport, Louisiana, and

(d) Add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section to the value obtained pursuant to paragraph (a) of this section and divide by the hundredweight of excess milk. This result less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content at a fluid milk plant, located not more than 40 miles from the City Hall of Shreveport, Louisiana.

DETERMINATION OF BASE

§ 966.80 Computation of daily average base for each producer The daily base of each producer shall be an amount calculated by the market administrator as follows: Divide the total pounds of milk received by the handler(s) from such producer during the base-forming period by the number of days from the first day milk is received from such producer to the last day of such period, but not less than 90.

§ 966.81 Computation of base. The base of each producer to be applied during the base-operating period shall be a quantity of milk calculated by multiplying the daily base of such producer by the number of days for which such producer's milk was received by such handler during the month.

§ 966.82 Base rules. The following rules shall apply for the establishment and transfer of bases:

- (a) The base shall be assigned to the producer for whose account milk is received by a handler during the base-forming period,
- (b) An entire base may be transferred by the producer by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: Provided, That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated in writing by the joint holders.

§ 966.83 Announcement of established bases. On or before the 25th day after the end of the base-forming period, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer. Provided, That for the base-operating period of 1955, each handler shall compute, subject to verification by the market administrator, the daily base for each producer from whom he received milk during the base-forming period and notify such producer of his daily base on or before the 25th day after the end of such base-forming period.

PAYMENTS

§ 966.90 Payments to producers. Except as provided in paragraph (d) of this section, each handler shall make payment to each producer for milk re-

ceived from such producer as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month which is not in the base-operating period for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 966.72 subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section; (2) marketing service deductions pursuant to § 966.93 and (3) proper deductions authorized by such producer.

(c) On or before the 15th day after the end of each of the months of the base-operating period for milk received during such month, after allowance for payment made pursuant to paragraph (a) of this section, adjustments for errors made in previous payments to such producer, marketing service deductions pursuant to § 966.93 and proper deductions authorized by such producer, an amount computed.

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 966.73 for the quantity of base milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively and

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to § 966.73 for the quantity of excess milk received from such producer during the month, subject to the butterfat and location differentials computed pursuant to §§ 966.91 and 966.92, respectively.

(d) On or before the 13th and 26th days of each month, in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(e) In making the payments to producers pursuant to paragraphs (b) and (c) or (d) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer.

- (2) The daily and total pounds and the average butterfat content of milk received from such producer.
- (3) The minimum rate or rates at which payment to such producer is required pursuant to this part;
- (4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

- (5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler and
- (6) The net amount of payment to such producer.

§ 966.91 Butterfat differential to producers. The applicable uniform prices to be paid each producer pursuant to § 966.90 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 966.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 966.92 Location differentials. In making payment to producers pursuant to § 966.90 for milk received at a fluid milk plant located more than 40 miles from the Shreveport City Hall, the price per hundredweight shall be reduced 1.75 cents for each 10 miles or fraction thereof that such plant is located from the Shreveport City Hall by the shortest hard-surfaced highway distance as determined by the market administrator.

§ 966.93 Marketing services. (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 966.90 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the service set forth in paragraph (a) of this section and for whom a cooperative association is authorized to receive payment for marketing services as set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and shall pay such deductions to the cooperative association entitled to receive it. on or before the 15th day after the end of the month during which such milk was received. Such deductions shall be accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer. In lieu of such statement, the

handler may request the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 966.31.

§ 966.94 Expense of administration. As his pro rata share of the expense of administration of this part, each handler except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 966.46 (a) (2) and (b) (b) producer milk including such handler's own production, and (c) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant other than a plant as defined under § 966.61.

§ 966.95 Adjustment of accounts. Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 966.96 Termination of obligation. The provisions of this section shall apply to any obligation under this part for the payment of money.

- (a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:
 - (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all

books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler and said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 966.100 Effective time. The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 966.101.

§ 966.101 Suspension or termination. The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 966.102 Continuing obligations. If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 966.103 Liquidation. Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate,

shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers ın an equitable manner.

MISCELLANEOUS PROVISIONS

§ 966.110 Agents. The Secretary may by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 966.111 Separability of provisions. If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Sections 966.1 through 966.21, 966.25 through 966.27, 966.30 through 966.34, 966.40 through 966.60, 966.60, 966.61, 966.83 through 966.83, 966.94, 966.100 through 966.103, 966.110 and 966.111 shall be effective on and after the 15th day of March 1955 and the entire order (§§ 966.1 through 966.111) shall be effective on and after the first day of April 1955.

Issued at Washington, D. C., this 25th day of February 1955.

[SEAL]

EARL L. BUTZ, Assistant Secretary.

[F R. Doc. 55-1803; Filed, Mar. 1, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B-Economic Regulations

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

TEMPORARY AUTHORIZATION FOR NATIONAL DEFENSE TRANSPORTATION

By order of the Board, No. E-8784, dated November 26, 1954, the effectiveness of the provisions of § 207.11 was further extended to December 1, 1955.

Dated: February 28, 1955.

By the Civil Aeronautics Board.

[SEAL]

JOHN B. RUSSELL, Acting Secretary.

[F R. Doc. 55-1849; Filed, Mar. 1, 1955; 9:06 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 132

Part 609—Standard Instrument Approach Procedures

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 609 is amended as follows:

Nors: Where the general classification (LFR VAR ADF ILS GCA or VOR) location and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure is to be substituted for the existing one as of the effective date given to the extent that it differs from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

Bearings, headings and courses are magnetic Distances are in statute miles unless otherwise indicated Elevations and altitudes are in feet, MSL Cellings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named sirport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted at the below named sirport, it shall be in accordance with the following instrument approach, unless an approach is conducted in accordance with a different stream of the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the interpretation in the interpr 1 The low frequency range procedures prescribed in § 609 6 are amended to read in part:

				Decording from (-) elde of	Minim		Celling an	Celling and visibility minimums	inimums	
City and State; airport name, elevation; facility: class and identification; procedure No;	Initial approach to facility from—	Course and dis	Minfmum altitude	final approach course (outbound and inbound);	altitude over facility on	Course and distance, facility to		Type sircraft	ircraft	If visual contact not established at authorized landing minimums after passing facility within distance specified or if
effective date		POTTEN	(m)	tances	course (ft)	airport	Condition	75 m. p h or less	More than 75 m p h	landing not accomplished
1	2	8	7	3	9	2	80	8	10	11
BETHEL, ALASKA. Bethel Alroot 9; BRAAFDV BET Procedure No. 1. Amendment M1. Effoctive Actes Arrel 9 1055				N side SE course: 108° outboard 288 Inbound. 1 600' within 10 miles	009	298—2.4	T-dn C-dn 8-dn 30 A-dn	2 engines or less 300-1 400-1 800-2	8 300-1 500-1 400-1 800-2	Within 2 4 miles turn right, climb at 2 300' on NE course (028°) within 25 miles
Supersedes amendment N-2 dated March 31, 1954. Major changes: Shuttle ellm insted.							P-dn C-dn S-dn 30 A-dn	More than 2 engines dn dn 30	nes 200-1/2 500-1/4 400-1 800-2	
DELTA, UTAH. Municipal 4755'. SBR AZ-DTV DTA Procedure No. 1 Amendment No. 4 Effective: Appl. 2, 1955. Supersedes amendment No. 3 dipal August 16, 1954. Major changes: New format	Delta VOR	3033 5	7 000	W side SW course: 188° outbound 008 inbound. 7 000' within 10 miles 8 000' within 25 miles	5 800	018-3 6	A du du	All aircraft 500-2 500-2 800-2 800-2	500-1 500-2 800-2 800-2	Within 36 miles climb to 11 000 on NE course
GULKANA ALASKA Gulkana 1,578', SBR AZ-PDVT GKN Procedure No 1 Amendment M-41	Shuttle: N course 322. Outbound, 142° Inbound 3 200' within 25			W side N course: 322° outbound 142 inbound 3 200' within 10 miles	2 300	142—2 3	T-dn C-dn 8-dn 14 A-dn	2 engines or less 300-1 400-1 800-2	300-1 500-1 400-1 300-2	Within 27 miles, climb to 9 500' on S course (142°) within 25 miles
Supersedes Amendment N-3 Supersedes Amendment N-3 dated May 19, 1954 Major changes: 1 Airport ele vation corrected 2, Alter nate missed approach pro- cedure deleted.						ų	T-dn C-dn 8-dn 14 A-dn	More than 2 engines dn dn 14 dn	nes 200-1/2 500-1/3 400-1 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

		-							ľ	
				Provedure turn () elde of	Minimum		Celling an	Ceiling and visibility minimums	Inimums	
City and State; airport name, elevation; facility: class and identification; procedure No;	Initial approach to facility from—	Course and dis	Minimum	final approach course (outbound and inbound);	altitude over facility on	Course and distance, facility to		Type aircraft	rcraft	If visual contact not established at author ized landing minimums after passing facility within distance specified or if
effective date	-	20100	ì	tances, minimis are	course (ft)	airport	Condition	75 m. p h or less	More than 75 m p h	landing not accomplished
1	2	8	4	9	9	7	æ	6	100	11
PHILADELPHIA PA	Boothwyn FM (final)	6-080	006	S side W course:	006	099—2 7	2	2 engines or less		Within 27 miles, climb to 2,500 on NE
Amenization of the PHL SBMRAZ-VDT PHL Procedure No 1 Amendment No. 6 Effective date: April 2, 1955 Supersedes Amendment No. 5 Supersedes Amendment No. 5 Andred February 28, 1965 Median changes Tarless on Median changes	Radar terminal area transi tion alittudes: North Quadrant of Phila delphia LFR	Within 20 miles Within 10 miles	2 300	200 outbound 080 inbound. 1 800' without 10 miles			School School	in 300-1 19 400-1 10 800-2 More than 2 engines	200-1 500-1 800-2 lines	course to Art Holy Threesection of when requested by ATC, make a right climbing turn, proceed to Elmer Intersection at 1,500°. Carriors, Standard clearance not provided over obstruction I mile SE of range station, rate of descent exceeds standard for
cedure turn altitude and missed approach proce	Northwest Quadrant of Philadelphia LFR	Within 20 miles Within 10 miles	2,000				S-dn 9		800-1 800-1 800-2	straignt III арргоаси
	Southwest and Southeast Quadrants	Within 20 miles	1 500							
YAKIMA WASH Yakima, 1,077' BMRLZ-DTV YKM Procedure No. 1	Selah Intersection (Intersection NW course YKM- LFR and S course ELN- LFR)	0.2—860	4 000	S side SE course: 106° outbound 286 inbound. 4 000° within 10 miles	3 000	266-4 7	7 4 4 6 20 00 00 00 00 00 00 00 00 00 00 00 00	2 engines or less 500-1 800-2 800-2	•	Within 47 miles, turn right and climb to 4,00° on NW course YKM-LFR within 10 miles Make all turns on N side of NW course of YKM-LFR
Effective: April 2, 1955.	YKM-VOR	159-2 0	4 000			• 11	4-	7-000	777	miles on NW course from YKM-LFR.
object to the control of the control	хкм-гом	272—3 5	3 000			•	FECOA4 PACOA4	More than 2 engines		Freedure vun to S 10f more lavorable terrain

2 The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic Distances are in stall an ADF instrument approach is conducted at the below named authorized by the Administrator for Civil Aeronautics for such althort area or as set forth below	
--	--

	If visual contact not established at author ized landing minimums after passing facility within distance specified or if	landing not accomplished	. 11	Within 4.4 miles, execute climbing left furn so as to intercept and climb to 4,500° on	within 15 miles, all turns on W side Alternate missed approach—when direc-	intercept and elimb on 300° outbound	turns on W side; or, execute climbing left turn; climb to 4,000' proceeding direct to the T OM and hold on the P side of the	203° outbound, 023 inbound course at 4 000 within 15 miles of LOM					
minimums	Type aircraft	More than 75 m p h	10	_ss	266 11-06 11-11-1	800-2	ngines 200-1/2 500-11/2	600-11/2 400-1	3				
Ceiling and visibility minimums	Туре	75 m, p h or less	6	2 engines or 300-1	600- 11-004	800-2	More than two engines		•				
Ceiling ar		Condition	80	T-di		A-dn	Mor	C-n S-dn Runway 2					
	Course and distance, facility to air	port	2	023—4.4									1
	altitude over	course (ft)	. 9	3 560									
	Ē	aloudes; infilting dis	ō	S side of course: 203° outbound	4 000' within 10 miles of LOM.	miles			r				
	E e		4	4 700	4 200	4 000		4 000	4 100	4 100	4 000	4,000	4 700
		9018	8	GEG 254—15 0	360—24 0	096-18 0		023—21 0	330—19 0	341—22 0	945—0 6	248—8 0	252—23 0
	Initial approach to facility from—		2	Rockford FM to GEG LFR	Pine City FM/H to GEG 360-24 LFR	Harrington FM to Inter	LOM and 096 bearing to Pine City 'H'.	Intersection 023 bearing to LOM and 096 bearing to Pine City 'H' (final)	Pine City H to intersection 023° bearing to LOM and 150 bearing to Pine City "H	Pine City FM/H	GEG VOR	GEG LFR	Rockford FM to LOM
	City and State; airport name, elevation; facility: class and identification; procedure No:	effective dats	1	SPOKANE, WASH Geiger Field 2372	Procedure No. 1 Amendment No. 10.	Supersides Amendment No 9	Major changes: New format, Minor course and distance	titude from Pine City to conform to other procedures; add Rockford FM to LOM					

3 The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Celling and visibility minimums	Type sircraft ized landing minimums after passing facility within distance specified or filland	More than 75 m p h	10 11	1 830-1 002° within 5 miles, climb to 11,000 on course of 002° within 25 miles of VOR 00-2 00-2	.1 600-1 .2 600-2 .2 800-2	ngines 300-1 600-136 600-2	600-1 600-2 800-2	1 25 Within 1.3 miles climb to 1 500' on radial 1 1 1 25 Within 25 miles 1 1 2 1 2	S00-17 500-17 400-1 800-2		100-2 Augnor proceed to YKM-VOR on 280° 2800-2 radial thence proceed outbound on 108 200-2 CAUTON: High hearthle exhall exheands from NE to 800-2 NW of YKM-VOR.	800-2 800-2 800-2 800-2 800-2 800-2 800-2 800-2 800-2
and visibilit		75 m. p h or less	°	2 engines or less 300-1 d 600-1	800-2 800-2 800-2	More than 2 engines	20 H H	2 engines or less 300-1 400-1 6 400-1	More than 2 engines in large	engh	88888	ore tha
Celling		Condition	œ	100°	A du d	1005 2005	A du	A Sed 5	A-dr Soden A-dr A-dr	<u> </u>	φ μα μα Η Η Ο Ο ≪·	4 EFF0044
	Course and distance, facility to	airport	7	345—5 0				058—1 3		244-4.2		
Minimum	altitude over facility on final	spproach course (ft)	9	6,000				1 000		3 000		
Procedure turn () eide of	final approach course (outbound and inbound);	tances	ð	W side course: 180° outbourd 380 inbound. 7,000° within 10 miles Berond 10 miles not	authorized			S side of course: 238° outbound 058 inbound. 1 600' within 10 miles		S side of course:	108" outbound 288 inbound. 4 000' within 10 miles	
	Minimum altitude	3	7	7 000						4 000	4 000	3 000
	Course and distance		8	120—3 0						339—2 0	103-8 0	292—4. 5
	Initial approach to facility from—		8	Delta LFR						YKM-LFR	Selah Intersection (intersection 169° radial from ELN-VOR and 283 radial from YKM-VOR)	УКМ- LOЙ
	City and State; airport name, elevation; facility: class and identification; procedure No;	епесиуе даге	1	DELTA, UTAH. Municipal, 4,765 BVOR-D'TA. Freedure No. 1 Amendment No. 2.	Effective: April 2, 1955. Supersedes amendment No 1 dated Aug 15 1954 Major changes: New format			WALNUT RIDGE ARK Municipal, 275 BVOR-DTV ARG Procedure No. 1. Amendment No. 1. Effective Arrel 2 1938	Supersodes: Original Mar 28 1951 Major changes: Adds night au thority; lowers straight in minima Changes course in Item 7	YAKIMA, WASH	BYONE TOUR Procedure No. 1. Amendment No. 1. Effective: Appl. 2, 1955 Circular April 2, 1955	Open section of the first and the first and fi

4 The very high frequency omnirange procedures prescribed in § 609 9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Cellings are in feet above airport elevation; If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted at the below named airport. It shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure area as set forth below.

	If minut nontent not actability of AVOD		11	Make a right climbing turn to 130 inter	secting the SW course Milchel LFR Continue climb to 1,500 (or higher alti	tude when directed by ATC) outbound on SW course Mitchel LFB		w		
minimums	Type sircraft	More than 75 m p b	ន	1	7.7. 883 883			200-12 600-13 600-13	2008 2007 1708	
Ceiling and visibility minimums	Type	75 m, p h or less	6	2 engines or less	11 88 88	7.7 800-7 800-7 800-7	More than 2 engines			
Ceiling an		Condition	∞	2	10 10	A-da	Mo	45°	A-du	
Course and distance	from int. runway center line	extended and final course to approach end of run way	7	010-1 2		sinumina gal	arter passing Edgemere in tersection Distance and	Dearing to runway 1—7 miles 004°		
	Minimum sltitude	source (ft)	9	1,300 over	Edgemere Intersection	Descend to landing minimums	arter passing tersection	Dearing to run 004°		
	Procedure turn (-) side of	bound and inbound); all titudes; limiting distances	52	E side of course:	004 inbound	Edgemere Intersection				
	Mini mum al	titude (ft)	7	1 500	1 500	1 500	1 500	1 500	2 500	1 300
	Course	and dis	89	046—3	175—14	188—18	221—17	259—14	149—30	067—10
	Initial approach to facility	from—	2	Idlewild LFR	LaGuardia LFR	New Rochelle MHW	Glen Cove MHW	Mitchel LFR	Paterson MHW	Scotland MH to Edgemere Intersection
	City and State; airport name, elevation; facility; class and	identification; Procedure No (TVOR); effective date	1	NEW YORK, N.Y	VOR-IDL TVOR-1	Amendment No. 1 Effective date: March 1 1055	Supersedes amendment original polyded Amendment original	Major changes: Establishes transition from Scotland	MH, reduces minimums	(Intersection 67° course from Scotland MH and Idlewild VOR 184° radial)

5 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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ocedure l corres	
nd altitudes are in feet, MSL. Ceilings are in feet above alrport on approach procedure, unless an approach is conducted in accorum altitude(s) shall correspond with those established for en route o	
altitud nt appr altitud	
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Elevati owing in es Mi	
ndicated. Elevation of the following in secified routes Mi	
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istances are in statute miles pelow named airport, it shall port Initial approaches sha	İ
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magnetic Dis Jucted at the be Ics for such airp	
s are me s condu- nautics	
Bearings, headings, and courses are magnetic Distances are in statute miles t if an ILS instrument approach is conducted at the below named atroort, it shall the Administrator for Civil Aeronautics for such airport Initial approaches shall way.	
Bearings, headings, and cours fault. Sinstrument approach by the Administrator for Civil Aerbelow:	
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Searings fanILS 9 Admi	
Be If a by the below:	

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	If visual contact not established upon descent to authorized land	accomplished	13		course of 045° to E course Akron	Drosch (when requested by ATC) make a right climbing	2,500	F400-%, required with glude stope inoperative							Climb to 2,500 (or to a higher altitude when requested by	ATC) on S course LLS to LOM: #Procedure turn to E to avoid Akron traffic			
smnmlulu	Type sircraft	More than 75 m p h	12	ı	200-1	%-00Z	400-1	600-2	800-2	nes 200-14 500-11/5	200-14	400-1	600-2	800-2		800-1 800-1 111-0-1	tnes 200-1/2	200-12 1-008 1-008 1-008	
visibility n	Туре	75 m.p h or less	11	2 engines or less	400-	200-1/2	400-1	600-2	800-2	More than 2 engines					2 engines or less	268 112	More than 2 engines		
Celling and visibility minimums		Condition	10	25	## ##	#8-dn 1 ILS	ADF	A-dn IIS	ADF	More C-dn	#8-dn 1 ILS	ADF	A-dn ILS	ADF	T Gu	84 45 45 45 45 45 45 45 45 45 45 45 45 45	More T-dn	8-4-4-6-19-6-19-6-19-6-19-6-19-6-19-6-19-	
lide slope	of runway	Middle marker	6	1 450-0 8				4							ss locators				
Altitude of glide slope	proach end at—	Outer marker	80	2 410—4.3											Noglide slope markers or compass locators Descend to airport minimums after	6 7 miles from Wingfoot	Intersection		
	Minimum siti tude st glide slope intercep	tion inbound (ft)	7	ILS 2 400	ADF 2,000 over LOM										No glide slope of Descend to	passing wing 2,800 over Wingfoot	Intersection		
Procedure turn	(-) side of final approach course (outbound and	inbound); alti tudes; limiting distances	9	E side S course:	186° outbound 006 inbound	z ooo within 10 miles									E side N course: # 006° outbound	2 800' within 10 miles of Wing	rion, intersec-		
	Mfn1	mum al titudes (ft)	٥	2 500	2,500	2,500	8	00e %	2 600						2 800	2, 800	2 800	2 800	2 500
	92.100	and dis	Ŧ	176—13	314—33	9-060	100	#I 63	186—12						110-2.4	186—7	186-4 2	006—12	18615
Transition to ILS		f L	8	гом	LOM	LOM	707	TO THE	гом						Wingfoot In tersection	Wingfoot In tersection	Wingfoot In tersection	Wingfoot In tersection	Talmade In
Tra		From-	2	Akron LFR	Bergholz Radiobeacon	Intersection SW course Akron LFR and 90° hearing to I OM	Tritografion To comme	Akron LFR and 235° bearing on LOM	Wingfoot Intersection						Akron LFR	Talmadge Intersection (final)	Blimp Intersection (final)	Akron Canton LOM	Chagrin Falls Intersection.
	City and State; alrort name, elevation; facility: class and identification;	procedure No ; effective date	1	AKRON, OHIO.	ILS-CAK	Procedure No. 1. Combination ILS-ADF	Supersedes Amendment	Effective date: April 2 1955	outer and middle	Lakenore Intersection changed to Wingfoot Intersection					Back course approach us ing Wingfoot Intersec-	for ADF. Procedure No. 2	Supersedes Amendment 3 dated June 5 1954	Luctive date: April 2 - 1955 Major changes: Transi	Libit Billinges revised - Lakemore Intersection changed to Wingfoot

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PROCEDURE-
APPROACH
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ILS STANDARD

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	If visual contact not established upon descent to authorized land	accomplished	13	Within 53 miles after passing LOM (ADF), climb to 2,500' on NF course of Philadelphia LRR	to Mt Holly Intersection Al	make a right climbing turn,	proced to Limer intersection at 1 500' 500-1 required with glide slope	moperative							Climb to cross SLC LFR not above	course SLO LFR to Stansbury Intersection, then to 9,000 on	Alternate missed approach when directed by ATC: Cross SLO	then climb to 11 000' on W course	SLC LFR of on SLC VOR radial 248°.	Start descent at glide slope inter ception. Glide slope must be op-		##500-2 required for takeoff runway
ofnimums	Type sircraft	More than 75 m p h	13	ss 300-1	500-1	500-1	200-1/2	500-1	rines	200-1% 500-1%	%P-1%	502) j		a	306-1 600-1	300-34	600-2		200-35	200-3%	, 2-08 800-
visibility n	Type 8	75 m p.b or less	11	2 engines or less dn 300-1	400-1	500-1	200-1/2	500-1	More than 2 engines				All aircraft	800-2	2 engines or less	300-1 500-1	300-34	600-2	More than 2 engines			
Ceiling and visibility minimums		Condition	10	Zen T-dn	o-dn TLS	ADF	S-dn 9	ADF	More	F5	S-dn 9	ADF	8 1	ADF	2 60	CA PHE	S-dn Runway	34R A-dn	More		æ.{ }	Runway 34R A-dn
lide slope	оf гипжау	Middle marker	6	230—0 7											4,440-0 6							
Altitude of glide slope and distance to ap	proach end at-	Outer marker	œ	1 500—5 3											5 560-4.6							
	Minimum alti tude at glide slope intercep	tion inbound (ft)	7	1,500 ILS 1,300 ADF	over LOIM										6,000							
Procedure turn			9	S side W course:	1 800" within 10 miles of LOM		•								E or W side S	course: 763° outbound 343 inbound	6 000 within 5 miles 80° reversal rec	ommended for procedure	turn			
	Mini	mum al titudes (ft.)	20	1,500 (ILS)	(ADF)	1 500	2 300	1 800		2 000	1 500	1 500			12,000		6: 000	6,000				
	,	Course and dis tance	1	0857		251—2 8	Within 20	miles. Within 10	miles	Within 20 miles	Within 10 miles	Within 20 miles			343-00		163-0.0	143-2.7				
Transition to ILS		T0-	69	LOM		LOM									ILS S course		N course ILS	N course ILS				
TR		From→	84	Boothwyn FM (final)		Philadelphia LFR	Radar terminal area tran sition altitudes: North Quadrant of Phil	adelphia LFR		Northwest Quadrant of Philadelphia LFR	•	Southwest and South east Quadrants			Intersection of S course	SLC 1LS and bearing of 200° to Fairfield LFR (glide slope intercep-	tion) Salt Lake City LFR	Salt Lake City VOR				
	Oity and State; airport name, elevation; facility:	procedure No; effective date	1	PHILADELPHIA PA	LOM PH Combination ILS	ADF. Procedure No. 1	Amendment No. 8 Effective date: April 2 1955.	No 7 dated February	Major changes: Revises	ADF final approach	altitude				SALT LAKE CITY	Salt Lake City No 1	Procedure No. 1 Amendment No. 8,	Effective: April 2, 1955 Supersedes amendment	No. 7 dated August 16, 1954, and procedure	No. 2 amendment No 5 dated November 26	Major changes: Author	proach from the S

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Oity and State; airport name, elevation; facility:	Trar	Transition to ILS		-	Procedure turn		Altitude of glide slope	lide slope	Ceiling and visibility minimums	isibility m	inimums	
			,	Mint	(-) side of final approach course (outbound and	Minimum alti tude at glide slope intercep	proach end of runway	of runway		Type aircraft	ircraft	If visual contact not established upon descent to authorized land
procedure No ; effective date	From-	T0-	Course and dis tance	mum al titudes (ft)	inbound); alti tudes; limiting distances	tion in bound (ft)	Outer marker	Middle marker	Condition	75 m.p h or less	More than 75 m p h	ng minimuns of u tanding not accomplished
1	8	8	-	10)	8	7	æ	8	10	11	13	13
SPOKANE, WASH. GI	GEG-VOR	LOM	045-0 6	4,000	S side of SW	3 560	3560-4 4	2 595-0 6	2 en	2 engines or less	300-14	Climb to 4,500 to intercept and
<u>. </u>	GEG-LFR	LOM	248—8 0	4 000	203° outbound				00	200	25	within 25 miles, all turns on W
Amendment No. 8. RC	ROCKFORD FM	LOM.	252—23 0	4 700	4 000 within				Ringay	200-13	200-35	when directed by ATC; execute
<u> </u>	Pine City FM/H	LOM	341—22 0	4 100	Not authorized				A di	600-2	600-2	and climb to 4,500 on 360° out-
<u>'</u>	Harrington FM to inter- section SW course ILS and 096° bearing to Pine City "H".	SW course ILS	096—18 0	4 000	miles				T A Popularies	More than 2 engines	ines 200–15 500–115 600–115	within 25 miles, all turns on W side; or execute climbing left turn, climb to 4,000 on W course of LFR within 25 miles all turns on S tide; or execute climbins
tions, and procedure Figure Fi	Pine City H to Intersection SW course ILS and 150 bearing to Pine City H	SW course ILS	33019 0	4 100					S-dn Runway A-dn	le.	200-14	left turn to intercept and climb to 4,500 on 300 outbound course from GEG VOR within 28 miles, all turns on W side; or execute climbing left turn, climb
ĮĀ ^Ţ	Intersection SW course ILS and 096° bearing to Pine City "H" (final)	LOM	023—21 0	4 000								to 4,000 proceeding direct to LOM, hold on E side of SW ILS course within 15 miles at 4,000
M.	Rodna Intersection.	гом	00419 0	* 000						- 1.1 /-44-		 After interception of glide slope at 4,000°, descent to cross the outer marker inbound at 3 560° is authorized

C 551) (Sec 205 52 Stat 984 as amended; 49 U S C 425 Interpret or apply sec 601 52 Stat 1007 as amended; 49 U S These procedures shall become effective on the dates indicated in Column 1 of the procedures

[SEAL]

R Doc 55-1727; Filed Mar 1 1955; 8:45 a m

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Natural-Service, Department ization Justice

CHAPTER

The following amendments to Chapter 1 of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 1-GENERAL

tions is amended by deleting the last Terms used in this chapter of § 1 Defini-

MISCELLANEOUS AMENDMENTS TO

Subparagraph (12) of paragraph (a) Š,

of § 23 Remittance of fees is amended ලි The first sentence of paragraph to read as follows:

PART 2-SERVICE RECORDS; FEES

Naturalization Service Department of plicants residing in the Virgin Islands of the United States the remittances (b) Payee Remittances shall be made payable to the Immigration and and except that in the case of applicants residing in Guam the remittances shall Justice except that in the case of apshall be made payable to the Commis-Treasurer sioner of Finance of the Virgin Islands, be made payable to the Guam.

Part 7-Regional Commissioners:

The fourth sentence of \$7 15 Notice of certification is amended by deleting the words (Form I-290D) and substi-(Form the words tuting therefor I-290C)'

REGIONAL COMMISSIONERS AND ASSIST-PART 9-AUTHORITY OF COMMISSIONER ANT COMMISSIONERS

1 The headnote to Part 9 is amended 2 Section 92 Authority of Assistant to read as set forth above

3 Paragraph (aaa) of §95a is amended and a new paragraph desig-Commissioner Examinations Division is amended by deleting paragraph (c)

when taken with the introductory material, paragiaphs (aaa) and (bbb) will nated (bbb) is added to § 9 5a so that read as follows:

F B Lee, Administrator of Civil Aeronautics

duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commis-The powers privileges, and § 95a Authority of Regional Commissioners sioners:

1953 and Part 481 of this chapter

(aaa) Adjustment of immigration status as provided in section 4 of the Displaced Persons Act as amended and section 6 of the Refugee Relief Act of

(bbb) Review of certain designated examiner recommendations as to final disposition of petitions for naturalization by courts under Part 335 of this chapter.

4. Section 9.5b is added to read as follows:

§ 9.5b Authority of District Directors and Officers in Charge. Except as otherwise provided, district directors are authorized to grant or deny any formal application or petition in any case provided for in this chapter and officers in charge are authorized to grant any such formal application or petition.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FED-ERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to matters of agency management.

Dated: Feb. 21, 1955.

HERBERT BROWNELL, Jr., Attorney General.

Recommended: February 11, 1955.

J. M. SWING.

Commissioner of Immigration and Naturalization.

[F R. Doc. 55-1793; Filed, Mar. 1, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission

[Docket 5926]

PART 3-DIGEST OF CEASE AND DESIST ORDERS

SPIRT & CO., INC., ET AL.

Subpart-Advertising falsely or misleadingly: § 3.170 Qualities or properties of product or service. In connection with the offering for sale, sale, or distribution in commerce, of the preparation "Lipan" or any preparation of substantially similar composition or posessing substantially similar properties, whether sold under the same or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication: (a) That said preparation constitutes a cure for psoriasis, or will prevent its recurrence; and (b) that said preparation has value in the treatment of psoriasis except as it may afford relief of the external symptoms and manifestations of psoriasis; prohibited.

(Sec. 6, 38 Stat. 721; 15 U.S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U.S. C. 45) [Cease and desist order, Spirt & Company, Inc., et al., Waterbury, Conn., Docket 5926, January 20, 1955.]

In the Matter of Spirt & Company, Inc., a Corporation, and Louis L. Spirt, S. Burton Spirt, and Thelma F Spirt, Individually and as Officers of Said Corporation

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, charging respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act: upon respondents' answer and upon hearings at which testimony and other evidence in support of and in opposition to the allegations of said complaint, duly recorded and filed in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence, and proposed findings as to the facts and conclusions of law presented by counsel, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,1 conclusions drawn therefrom,1 and order to cease and desist.

Thereafter, following the appeal by counsel supporting the complaint from said initial decision, the matter was disposed of by "Order Denying Appeal of Counsel Supporting the Complaint from Initial Decision: Decision of the Commission and Order to File Report of Compliance" Docket 5926, February 9, 1955, as follows:

This matter came on to be heard by the Commission upon the appeal filed by counsel supporting the complaint from the initial decision of the hearing examiner and upon the briefs in support of and in opposition to said appeal, oral argument not having been requested.

The Commission having considered the appeal and the record herein and having determined that the grounds for appeal are without merit and having additionally determined that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding;

It is ordered, That the appeal of counsel supporting the complaint from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner did, on the 20th day of January 1955, become the decision of the Commission.

It is further ordered, That the respondents, Spirt & Company Inc., a corporation, and Louis L. Spirt, S. Burton Spirt and Thelma F Spirt, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

The cease and desist order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Spirt & Company Inc., a corporation, and its officers, Louis L. Spirt, S. Burton Spirt and Thelma F Spirt, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce. as "commerce" is defined in the Federal Trade Commission Act, of the preparation Lipan or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from, directly or indirectly

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as 'commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said preparation constitutes a cure for psoriasis, or will prevent its recurrence:

(b) That said preparation has value in the treatment of psoriasis except as it may afford relief of the external symptoms and manifestations of psoriasis.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly the purchase in commerce, as 'commerce' is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

Issued: February 9, 1955.

By the Commission.2

[SEAL] ROBERT M. PARRISH.

Secretary.

[F R. Doc. 55-1780; Filed, Mar. 1, 1955; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53738]

PART 1-CUSTOMS DISTRICTS AND PORTS FIELD ORGANIZATION

FEBRUARY 24, 1955.

By vitrue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U.S. C. 2) and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II) the following changes in the field organization of the Bureau of Customs are hereby made, effective upon the expiration of 30 days after the date of publication of this Treasury Decision in the Federal REGISTER:

² Dissenting Opinion of Commissioner Filed as part of the original document. Mead filed as part of the original document.

- 1. The limits of the customs port of entry of Philadelphia, Pennsylvania, the headquarters port of Customs Collection District No. 11 (Philadelphia) comprising the territory within the corporate limits of that city and Camden, New Jersey and Gloucester City New Jersey and the territory described in Executive Order No. 7840, March 15, 1938, published in T. D. 49472, are extended to include the territory between the Delaware River and U.S. Highway No. 13, in Bucks County State of Pennsylvania, from the corporate limits of Philadelphia to and including Morrisville, Pennsylvania, and the territory between the Delaware River and U. S. Highway No. 130, N. J. State Highway No. 39 and U.S. Highway No. 206, in Camden, Burlington, and Mercer Counties, State of New Jersey, from the corporate limits of Camden, New Jersey to and including Trenton, New Jersey.
- 2. The limits of the customs port of entry of San Francisco-Oakland, Califorma, in Customs Collection District No. 28 (San Francisco) comprising the territory within the corporate limits of San Francisco and Oakland, all points on San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay and all points on the San Joaquin River in Contra Costa County State of Califorma, as far as Antioch Bridge (T. D.'s 44731, 52175) are extended to include all points on the San Joaquin River in Contra Costa and San Joaquin Counties, State of California, from Antioch Bridge to and including Stockton, California.
- 3. The limits of the customs port of entry of Bellingham, Washington, in Customs Collection District No. 30 (Washington) comprising the territory within the corporate limits of that city, are extended to include the following territory Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, and 23, Township 38 North, Range 2 East, Willamette Meridian; Sections 27 to 34, inclusive, Township 39 North, Range 2 East, Willamette Meridian; the territory within the corporate limits of Ferndale, Washington; and Sections 25 to 29, inclusive, and 32 to 36, inclusive, Township 39 North, Range 1 East, Willamette Meridian; all of such territory being in Whatcom County State of Washington.
- 4. The designation of Craig, Alaska, as a customs port of entry in Customs Collection District No. 31 (Alaska) is revoked.
- 5. The limits of the customs port of entry of Ketchikan, Alaska, in Customs Collection District No. 31 (Alaska) comprising the territory within the limits of that city, are extended to include all points on the narrows and inlets from the northwestern city limits of Ketchikan to and including Ward Cove, Alaska, and all points on the narrows and inlets from the southeastern city

limits of Ketchikan to and including from the column headed "Ports of entry" Herring Bay, Alaska. in District No. 36 (Duluth and Superior)

6. The designations of International Falls and Ranier, Minnesota, as customs ports of entry in Customs Collection District No. 36 (Duluth and Superior) are revoked, and a consolidated port of entry to be known as "International Falls-Ranier, Minnesota," is designated in said district, which shall include the territory within the corporate limits of International Falls and the municipality of Ranier, and all points on the Rainy River lying between those places.

7. The limits of the customs port of entry of Detroit, Michigan, the head-quarters port of Customs Collection District No. 38 (Michigan) comprising the territory within the corporate limits of that city and the territory described in Executive Order No. 9073, February 25, 1942 (T. D. 50574) are extended to include the following additional territory. Municipalities of Harper Woods, Grosse Pointe Woods, Melvindale, Allen Park, and Lincoln Park, and the Townships of Redford, Dearborn, Nankin, Ecorse, Taylor, Brownstown, and Monguagon, in Wayne County State of Michigan; also, that portion of the Willow Run Airport located in Washtenaw County State of Michigan.

8. The designations of Saginaw and Bay City Michigan, as customs ports of entry in Customs Collection District No. 38 (Michigan) are revoked, and a consolidated port of entry to be known as "Saginaw-Bay City, Michigan," is designated in said district, which shall include the territory within the corporate limits of Saginaw and Bay City Michigan, and the territory embracing the Townships of Zilwaukee, Carrolton and Buena Vista, in Saginaw County, State of Michigan, and the Townships of Portsmouth and Frankenlust, in Bay County State of Michigan.

Section 1.1 (c) is amended by adding " and T. D. 53738" at the end of the notation within the parenthesis, opposite "Philadelphia, Pa." in the column headed "Ports of entry" in District No. 11 (Philadelphia) by adding "and T. D. 53738" at the end of the notation within the parenthesis, opposite "San Francisco-Oakland, Calif." in the column headed "Ports of entry" in District No. 28 (San Francisco) by inserting "(including territory described in T. D. 53738)" opposite "Bellingham" in the column headed "Ports of entry" in District No. 30 (Washington) by deleting "Craig (E. O. 3321, Sept. 1, 1920)" from the column headed "Ports of entry" in District No. 31 (Alaska) by inserting "(including territory described in T. D. 53738)" opposite "Ketchikan" in the column headed "Ports of entry" in District No. 31 (Alaska) by inserting "In the column headed "Ports of entry" in District No. 31 (Alaska) by inserting the column headed "Ports of entry" in District No. 31 (Alaska) by inserting the column headed "Ports of entry" in District No. 31 (Alaska) by inserting the column headed "Ports of entry" in District No. 31 (Alaska) by inserting the column headed "Ports of entry" in District No. 31 (Alaska) by inserting the column headed "Ports of entry" in the column headed "Ports of ent trict No. 31 (Alaska) by substituting "International Falls-Ranier, Minn. (T. D. 53738)" for "International Falls, Minn." and deleting "Ranier, Minn."

from the column headed "Ports of entry" in District No. 36 (Duluth and Superior) by adding "and T. D. 53738" at the end of the notation within the parenthesis, opposite "Detroit" in the column headed "Ports of entry" in District No. 38 (Michigan) and by substituting "Saginaw-Bay City (T. D. 53738)" for "Saginaw" and deleting "Bay City" from the column headed "Ports of entry" in District No. 38 (Michigan)

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] H. CHAPMAN ROSE, Acting Secretary of the Treasury.

[F R. Doc. 55-1795; Filed, Mar. 1, 1955; 8:50 a. m.]

[T. D. 53736]

PART 6-AIR COMMERCE REGULATIONS

DESIGNATION OF SKY HARBOR AIRPORT, DU-LUTH, MINNESOTA, AS AN AIRPORT OF ENTRY

Sky Harbor Airport, Duluth, Minnesota, is hereby designated as an international airport for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)) effective on the date of publication of this Treasury decision in the Federal Register.

The list of international airports in § 6.13 is hereby amended to include the name and location of this airport.

Notice of the proposed designation of Sky Harbor Airport as an international airport was published in the Federal Register of December 21, 1954 (19 F R. 8753) pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003)

The designation of this airport is based on a determination that a sufficient need exists to justify such designation and is made for the purpose of provding for convenient compliance with customs requirements. For these reasons, it is found desirable to make the airport of entry available to the public as soon as possible and to dispense with the delayed effective date provision of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c))

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] RALPH KELLY, Commissioner of Customs.

Approved:

H. CHAPMAN ROSE, Acting Secretary of the Treasury.

[F R. Doc. 55-1794; Filed, Mar. 1, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE Agricultural Marketing Service [7 CFR Part 929 1

[Docket No. AO 260]

HANDLING OF MILK IN EASTERN SOUTH
DAKOTA MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Huron, South Dakota, on July 7–9, 1954, pursuant to notice thereof which was published in the Federal Register on June 19, 1954 (19 F R. 3767)

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on December 29, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 4, 1955 (20 F R. 55)

The material issues of record related to:

- 1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;
- 2. Whether marketing conditions justify the issuance of a marketing agreement or order and
- 3. If an order is issued what its provisions should be with respect to:
 - (a) The scope of regulation;
 - (b) The classification of milk;
- (c) The level and method of determining class prices;
- (d) The method to be used in distributing proceeds to producers; and
- (e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. Character of commerce. The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Eastern South Dakota marketing area, includes the cities of Aberdeen, Huron, Redfield, and Watertown, all in the State of South Dakota. Grade A milk for fluid consumption is distributed in these cities from local plants and from plants in Minnesota located at Fergus Falls, Moorhead, and Norwood. Milk at these plants is purchased from dairy farmers in competition with milk

which is marketed outside the State of South Dakota and is sold in competition with milk and milk products produced in other states.

Substantial quantities of milk, cream and various manufactured dairy products emanating from sources outside the State of South Dakota are distributed in the marketing area. Milk received from dairy farmers at milk plants in Minnesota is processed and packaged at these plants for distribution on routes in the marketing area.

Supplemental supplies of milk during the months of low production are brought into the market from plants in Minnesota. Cream for fluid use is frequently purchased by handlers in the area from out of state sources, and much of the cream utilized in the manufacture of frozen desserts in Eastern South Dakota is imported from other states.

Grade A milk received from producers which is in excess of that needed for fluid use is usually disposed of by handlers in Aberdeen, Huron, and Watertown to the Spink County Dairies in Redfield. In addition to processing and bottling milk for fluid distribution locally this handler manufactures a substantial quantity of a variety of manufactured dairy products which are moved in interstate commerce. Testimony at the hearing indicated that the plant is producing currently about 3,500 pounds of butter daily and about 12,500 pounds of Cheddar cheese weekly Butter from this plant is sold in the Chicago market, and the Cheddar cheese produced at the plant is sold in Green Bay Wisconsin.

Routes of handlers under the Sioux Falls-Mitchell Federal milk marketing order extend into the proposed marketing area, and are in daily competition with those distributors who would be handlers under the Eastern South Dakota order. At the plants of these Sioux Falls-Mitchell handlers the interstate commerce factor is indicated by the receipts of milk from and distribution to locations outside South Dakota.

2. Need for an order Marketing conditions in the Eastern South Dakota marketing area justify the issuance of a marketing agreement and order.

There is no overall plan whereby farmers supplying the Eastern South Dakota marketing area are assured of payment for their milk in accordance with its use. Neither is there a procedure whereby farmers may participate in the price determinations throughout the area necessary for the marketing of their milk, which because of its perishability must be delivered to the market daily as it is produced. Farmers cannot retain milk on their farms in order to await favorable price conditions. Production of milk for fluid use, under the sanitary requirements prevailing in the proposed marketing area, requires substantial investment.

A certain amount of reserve milk in excess of actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by

the seasonal nature of milk production, coupled with a relatively uniform pattern of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. Such excess milk must be manufactured into products and sold in competition with similar products produced from ungraded milk. Milk marketed in this manner returns considerably less than that marketed for fluid use. Consequently a well-defined and uniformly applied plan of use classification and the proper pricing of milk in such uses is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful, the classification of milk in accordance with its use and the payments to producers on a use basis, require full participation and cooperation of those engaged in the industry

Orderly marketing of the milk produced for fluid consumption requires uniformly dependable methods for determining prices according to the use made of the milk. It also requires uniformity of pricing according to the use made of milk by each handler, and a means whereby lower average returns resulting from surplus may be shared equitably among producers.

The problems of unstable marketing encountered by producers in Eastern South Dakota are not uncommon in fluid milk markets. The problems, which have resulted in unrest and instability in this area, are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan.

A marketing order as proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the act. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many of the farmers do not know how their milk is utilized at the various plants to which they deliver, or whether the basis on which they are being paid from month to month will be revised.

The buying practices of various handlers in the market have caused chaotic conditions and instability in the marketing of milk. Producers have no means of ascertaining the utilization made of milk by their handlers. Payment of surplus prices by handlers for milk which producers believe was needed for such handlers' fluid sales, is one of the causes of instability and uncertainty in the market.

Producers are concerned that because of the extension of the price cutting practices of handlers in the area, the marketing conditions will be further disrupted and returns to producers reduced. Producer prices have been reduced because of price wars between handlers and the use of fluid milk as a "loss leader" at various food stores served by these handlers. In one instance producers were forced to accept a reduction of 75 cents per hundred-

weight for their milk so that their handler could meet competition from other sources. A request for a further reduction of 75 cents was resisted by producers.

The stated base and excess prices paid by handlers are frequently not meaningful. Payment to a producer at the excess, or surplus price, for any of his milk does not indicate that such milk was not used for fluid purposes. Arbitrary methods have in some instances been used in arriving at the percentages of milk to be paid for at the base and excess prices. Some handlers deal with their producers on an individual basis so that it is difficult for producers to ascertain the overall basis used in determining the rate of payment for their deliveries.

Evidence adduced at the hearing indicated that there is much dissatisfaction among producers on the butterfat tests accorded them by handlers. Some producers stated that the tests on which they were paid by handlers were arbitrary and that no samples had actually been taken by the handlers. In two separate instances producers testified that the butterfat test on which each of them was paid for continuous periods of 8 and 12 months, respectively, was the same for each pay period. Neither of these producers was able to obtain any satisfaction from the separate handlers to which they shipped, even though independent tests which these producers had taken of their milk indicated butterfat tests as much as 9 points above that on which they had been paid. Lack of confidence on the part of producers with regard to the manner employed by handlers in determining the butterfat tests on which producers are paid for their deliveries is widespread in the market.

The conditions complained of by producers, and herein cited, with regard to the unstable marketing conditions are not peculiar to one or several localities in the marketing area, but apply throughout the area. Moreover, those handlers who would be regulated by the attached order compete with one another throughout the area.

The record indicates that there is a lack of detailed market information for this area. Such information is essential to the effectuation of orderly marketing and in achieving a level of Grade A milk production commensurate with consumer demand for Grade A milk. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available by milk sanitarians for several of the cities in the proposed area. This information pertains to only a portion of the area, however, and it does not portray marketing conditions for the whole area.

It is concluded that the issuance of a marketing agreement and order for the Eastern South Dakota marketing area would contribute substantially to the improvement of many of the conditions complained of and tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division

among all producers of the returns from Class I sales. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers and the public in the determination of prices and marketing conditions for milk in the area.

3. Order provisions—(a) Scope of regulation—Marketing area. The marketing area should include all the territory within the corporate limits of the cities of Aberdeen, Huron, Redfield, and Watertown, all in the State of South Dakota.

Milk sold for Grade A consumption must be approved by health authorities in each of the respective cities in the marketing area. The movements of milk from one section of the area to the other take place with the approval of the appropriate health authorities. health ordinances and practices and procedures of the health authorities throughout the marketing area are generally patterned so as to be in accordance with the United States Public Health Service Milk Ordinance. Ratings by the United States Public Health Service are recognized by local health authorities as a basis for accepting milk from outside sources. The degree of similarity of minimum health standards throughout the area justifies uniform regulations for the milk marketed throughout the area.

An alternative proposed at the hearing would not provide for a separate order as is set forth in this decision, but would incorporate the marketing area provided for herein under Federal Order No. 56, regulating the handling of milk in the Sioux Falls-Mitchell marketing area. Proponents of this alternative contended that handlers under the Sioux Falls-Mitchell order and those who would be handlers under the proposed order compete with each other in many communities throughout Eastern South Dakota. This in itself is not sufficient basis for incorporating the proposed marketing area under the Sioux Falls-Mitchell Whether under the same or separate orders, handlers are required to pay minimum prices to producers as prescribed in the respective orders to which they are subject. Such regulated prices tend to be in alignment so that handlers operating under the separate order are usually on an equal competitive basis.

The provisions in the attached order proposed for Eastern South Dakota are necessary to effectuate the declared policy of the act. Many of the provisions in this order are significantly different from the corresponding provisions in the Sioux Falls-Mitchell order. The record evidence fails to support the proposal for incorporating the two marketing areas under the provisions of the existing Sioux Falls-Mitchell order or under the modified provisions of such order as proposed at the hearing.

The city of Pierre, South Dakota, was included in the marketing area in the proposal of proponents for the Eastern South Dakota order, but no evidence was presented at the hearing in support of its inclusion. Pierre is relatively far removed from the five cities making up the

marketing area as proposed herein. No purpose would be served by incorporating it in the marketing area under the proposed order.

It was also proposed that the city of Webster, South Dakota, be included in the marketing area. The evidence in the record, while indicating that the one plant in Webster is in competition with plants located outside the area which also compete with plants in the proposed area, fails to establish any major degree of competition between the Webster plant and the plants located in the cities proposed to be regulated. It is concluded that the inclusion of Webster is not necessary to the effective regulation of the handling of milk in the proposed area.

Various proposals at the hearing would include extensive areas in Minnesota and South Dakota under an order. Proposals for most of the expansion proposed were abandoned at the hearing by their proponents. Other proposals were contingent on the proposed area becoming part of the Sioux Falls-Mitchell order. Testimony which was submitted did not support inclusion under the proposed order of a marketing area made up of any additional communities other than those set forth herein.

The handlers who would be regulated pursuant to the attached order are in competition throughout the marketing area. The five cities making up the marketing area are closely related marketings area are closely related marketings. Although these communities are not contiguous, the distances between them are not great. Uniform regulation through the device of a marketing order should be helpful in obtaining an orderly market and stable marketing conditions throughout the proposed area.

Designation of plants and milk to be subject to regulation. Provision should be made in the order to designate clearly what milk will be subject to pricing provisions of the order. For this reason, definitions of handlers, milk plants, producers, producer milk, and other source milk should be provided. Such definitions will permit unequivocal reference to these persons or items throughout the order.

The term "handler" should be used to designate the operator of an approved plant under the order. Handlers are the persons who would be required to report the receipts and utilization of milk, the handling of which is regulated, and would be held responsible for paying producers for milk in accordance with the terms of the order. In case a person operates more than one plant at which milk is to be priced, he should be a handler with respect to the combined operations of such plants. If the handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant. Producer-handlers and operators of approved plants which do not qualify as pool plants should be considered handlers in order to require such persons to report to the market administrator as is needed to determine their status.

The minimum class prices of the order should apply to that milk eligible for distribution as Grade A milk in the mar-

keting area which is received from dairy farmers at plants primarily engaged in supplying fluid milk for sale on retail and wholesale routes in the marketing area. Such plants would be defined as "pool plants."

Determining which plants shall be pool plants under the order, 'and thereby fully subject to regulation, requires that definitive standards be prescribed. Such standards should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an incidental shipment of milk to the market, or approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would be inequitable and would not provide a workable basis for administering an order for the Eastern South Dakota marketing area. In order to effectuate the intent of the act, it is concluded that pool plant status under the order should be determined on the basis of specified performance stand-

Some plants may make only limited or occasional deliveries of milk in the marketing area. Such plants cannot be considered as being associated with, or being a regular part of the supply for, the marketing area. This is indicated when sales in the marketing area from any of such plants, are but a small per-centage of its total Class I disposition or such sales are but a relatively small quantity of milk. Such plants compete primarily with unregulated handlers in procurement of milk supplies and in the disposition of such milk. These plants do not represent a threat to the stability of the regulated market since any of such plants which expanded its sales in the marketing area beyond the exemption provided in the order would immediately become fully regulated as a pool plant under the order.

A pool plant under the attached order would be any plant from which a volume of Class I milk equal to an average of more than 750 pounds per day or more than 5.0 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other pool plants) located in the marketing area. Such a plant would be con-

sidered a distributing plant.

Plants supplying Grade A milk, skim milk or cream to distributing plants would be pool plants under certain circumstances. A supply plant which receives milk from farmers holding dairy farm permits or ratings issued by an anpropriate health authority having jurisdiction in the marketing area would be a pool plant in any month during which milk, skim milk or cream is moved from such plant to a distributing plant regulated pursuant to the order. Other supply plants would be pool plants in any of the months of February through July during which any Grade A milk or skim milk is shipped to a distributing plant regulated pursuant to the order. Plants coming under the order because of shipments to distributing plants would be considered supply plants.

It would be inappropriate to extend regulation to any milk plant from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with milk of unregulated handlers outside the marketing area. Regulation of such plants might place them in an uneconomic and unfavorable position with respect to sales outside the marketing area. So long as the limits as to sales such a plant may make in the marketing area are kept relatively low, the volume of unpriced milk in the market would not present an unstabilizing force in the market.

It is concluded that this limit should be placed at 5.0 percent of the Grade A milk received at such plant from all sources or an average of 750 pounds of Class I milk a day, whichever is less. Any plant from which a volume of Class I milk equal to more than 750 pounds per day or 5.0 percent of its receipts of Grade A milk, skim milk or cream is disposed of in the marketing area should be designated as a distributing plant and fully subject to regulation.

Any plant from which Class I milk is distributed in the marketing area, but which does not meet the standards for a pool plant, should be defined as an "approved plant" and be required to file reports and submit to audits by the market administrator to verify the status of such plant.

During some months of the year distributing plants, as herein defined, receive supplemental supplies of milk from supply plants. Some of these supply plants are associated with the market as a regular part of its supply, and the dairy farmers delivering to such plants hold dairy farm permits or ratings issued by health authorities having jurisdiction in the marketing area. Supply plants in this category should be included within the definition of a pool plant throughout the year so long as they are used as sources of supply by distributing plants.

In the case of supply plants which are not under the routine inspection of health authorities in the marketing area a different standard should be used. Such plants normally provide supplemental milk to distributing plants in various other sales areas, and their shipments to the Eastern South Dakota area for Class I use are primarily seasonal in nature. To the extent these plants furnish only needed supplemental milk in months of low production they need not be brought under regulation. The fact that such milk will not be priced in the months of low production would not represent a threat to the stability of the regulated market. However, if shipments are made from such supply plants to distributing plants during the flush production months, they should be brought under regulation and made fully subject to the pricing provisions of the order. This provision would place such a plant on the same competitive level of pricing and subject it to the same regulatory requirements during these months as are applicable to plants which supply the market the year round. Plants subject to other orders issued pursuant to the act should not be made

subject to the pricing provisions of this order.

"Producer" should be defined as any person, other than a producer-handler, who produces milk under a dairy farm inspection permit issued by a duly constituted health authority and whose milk may be used as Grade A milk for consumption in the marketing area if such milk is received at a pool plant. Provision should be made so that the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the flush production months and on not more than 15 days during any other months and still retain status under the order. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

"Other source milk" should be defined as all skim milk and butterfat contained in products utilized by the handler in his operations, except milk from producers and other Class I products received from other pool plants. Thus, other source milk would represent butterfat and skim milk which may not be subject to the pricing provisions of this order.

Persons who are engaged in producing milk and distributing only milk of their own production, should be subject to the order only to the extent that they must submit reports to the market administrator, as required, and maintain and make available to the market administrator accounts, records, and facilities so that the market administrator may verify that such persons are producerhandlers. It would be meaningless to require under the order that a producerhandler pay any particular price for milk produced on his own farm.

Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk.

(b) Classification of milk. Milk received by regulated handlers should be classified on the basis of the form in or the purpose for which it is used, as either Class I milk or Class II milk.

The products which should be included in Class I milk are those required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough milk to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of for manufactured products. These products are less perishable and must be sold in competition with products made from unapproved milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored) cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products contained in hermetically sealed containers) and (2) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as concentrated milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator or by means of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts

of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is consistently followed in both regulated and unregulated markets and is necessary to effectively administer the provisions of the order. The operator of a plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. It would be unreasonable to expect producers to look elsewhere for payment for their deliveries. Moreover, producers would be without adequate protection if the order did not prescribe specifically which handler shall be responsible for the classification and payment of their milk. Except for such limited quantities of shrinkage, which under certain conditions (as set forth elsewhere in this decision) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. It is necessary to place the burden of proof on the handler to establish the utilization of any milk as other than Class I.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened) nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk. It is not required by the health ordnance applicable in the marketing area that these products be made from locally approved milk.

Cream which is placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream mixes. Any frozen cream or other Class II products which are used later in a pool plant would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Accounting procedure will be facilitated by providing that month-end inventories of all products designated as Class I milk be classified in Class II milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted from Class II use the following month. If any products which are classified as Class II milk because they are held in month-end inventories are later used in Class I, the higher value use should be reflected to producers unless producer milk was not available for such Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be subtracted from the Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively in various products. Shrinkage not in excess of 2 percent of the handler's receipts of producer and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of less than 2 percent of total receipts. It is concluded that shrinkage which is not more than 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk and any shrinkage in excess of this quantity should be classified as Class I milk.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Milk, skim milk or cream, or other products designated as Class I milk transferred by a handler to the pool plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee-plant for such assignment after prior allocation of shrinkage and other source milk as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while producer milk is allocated to Class II milk in the transferee-handler's plant.

Milk, skim milk and cream disposed of to a nonpool plant, including milk which is diverted (sent directly to the nonpool plant from the producer's farm) should be classified as Class I milk, unless the nonpool plant meets certain conditions. The operator of the nonpool plant, if requested, must make his books and records available to the market administrator for the purpose of verifying the receipt and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization. Another condition would require that not less than an equivalent amount of skim milk and butterfat was actually used as Class II in the nonpool plant. Such plant to which milk or skim milk is moved in Class II should be located in the marketing area or not more than 100 miles from the nearest point in the marketing area. The area thus described should be adequate to dispose of surplus milk or skim milk for Class II uses. Milk or skim milk moving greater distances is normally for Class I uses. Cream for use in frozen desserts and other manufactured dairy products is distributed by Eastern South Dakota handlers over a wide area. Such cream is sold without Grade "A" certification in competition with cream from unregulated handlers. A Class II classification should be allowed on such cream when it is moved to a nonpool plant in bulk form as cream without Grade "A" certification of any health authority The movement of cream in Class II in accordance with these provisions will facilitate the disposal of surplus butterfat by handlers and enable them to continue to compete with unregulated handlers for these manufacturing cream markets throughout South Dakota.

The order class prices apply only to producer milk. It is necessary therefore, if a plant has butterfat or skim milk other than that received in milk from producers, to determine the quantities of milk in each class to be assigned to producers. The milk of producers who are primarily engaged in supplying the Eastern South Dakota market should be assigned to Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purpose of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 929.46 of the attached order.

Since uniform prices paid producers by each handler are to be calculated monthly the assignment of utilization described above should be carried out with respect to all milk received during each month.

(c) Class prices. Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the requirements of the marketing area. If prices remain too low, insufficient quantities of milk will be produced to assure that the Class I market will be fully supplied. Conversely, if prices are too high, production will be overstimu-

lated and consumption curtailed. This would cause more milk to be produced than is needed to satisfy the demand for Class I milk, resulting in the development of unnecessary and uneconomic surpluses.

When milk produced locally is insufficient to meet the Class I needs of the market, supplemental supplies of Grade A milk are purchased by handlers in the marketing area from plants outside the regular supply area. Prices of this milk fluctuate to a considerable extent with the value of milk produced for manufacture. Other items which determine the prices at which such milk will be available to Eastern South Dakota handlers include the cost of transporting such milk to the marketing area and the alternative outlets for such milk.

Proper recognition must be given the prices at which alternative sources of supply are available, especially since any milk plant wherever located may by meeting the prescribed qualifications, become a pool plant under the order. It is necessary therefore, that the Class I prices in the proposed Eastern South Dakota milk marketing order should not be set at levels which will bring the cost of such milk above the cost of obtaining Grade A milk supplies regularly from other sources.

The Class I price should be fixed in relation to the general level of the value of milk used to produce manufactured dairy products. To achieve this end a basic price should be adopted which will reflect this general level and to which differentials should be added to reach the appropriate Class I price. Such basic price should be the higher of (a) the average of the prices paid by the 14 "Midwestern Condenseries" or (b) a price computed on the basis of the daily quotations for 92 score butter at Chicago and the carlot prices for nonfat dry milk solids for human consumption delivered at Chicago.

The purpose for such basic price is to give consideration to the national economic factors underlying the price for milk for manufacturing uses, which prices influence the local market prices. Prices for milk used for fluid purposes in competitive markets are related to the prices paid for milk used for manufacturing purposes. Production and marketing of milk for each type of manufacturing outlet are subject to many of the same economic factors. Since the market for most manufactured products is countrywide, prices of manufactured dairy products reflect, to a large extent. changes in general economic conditions affecting the supply and demand for milk. For these reasons, fluid milk markets have used butter, nonfat dry milk solids, and cheese prices, or the prices paid by condenseries with differentials over these basic or manufacturing prices to establish fluid milk prices. These differentials are needed to cover the cost of meeting quality requirements in the production of market milk, transportation costs to the fluid market, and to furnish the necessary incentive to get such milk produced.

The basic formula proposed herein is similar to that used in many other Federally regulated markets and the price resulting therefrom will approximate the basic formula price in the nearby Federal order markets. The price computed under the formula would have averaged \$3.25 for 1953. The differential to be added to this basic price in determining the Class I price would be applicable to all skim milk and butterfat included in the Class I definition of the proposed order. Consequently the total quantities of producer milk classified in Class I under the order may be significantly greater than the quantities of producer milk now allocated to Class I under the various classification schemes now in effect in the market. It is concluded that in determining the monthly Class I price a differential of \$1.40 should be added to the basic formula price.

The Class I price provided herein for the Eastern South Dakota marketing area is similar to that now contained in Federal order Nos. 35, 48 and 56, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs, Sioux City and Sioux Falls-Mitchell marketing areas, respectively. As indicated elsewhere in this decision, handlers who would be regulated by the proposed order compete for business in some areas with handlers regulated by the Sioux Falls-Mitchell order. Handlers under this latter order compete in overlapping areas with handlers subject to the Sioux City order.

Although a higher Class I price was proposed, testimony at the hearing did not support a variation from the level of the Class I milk prices provided for in the Sioux Falls-Mitchell order. Provision for adjustment of prices by application of location or transportation differentials was not proposed or substantiated on the record. Evidence adduced indicated that orderly marketing would best be obtained by maintaining a level of pricing in the proposed marketing area which would be in alignment with that prevailing in the nearby regulated markets.

Deliveries of the 156 Grade A producers shipping to plants in the five cities in the marketing area at the time of the hearing were, on an annual basis, approximately 20 million pounds. Of these producers 109 were delivering to plants in Aberdeen and Huron, the largest cities in the marketing area. In 1953, deliveries to these plants totaled 13.8 million pounds and producers received Class I prices of \$5.00 and \$4.73 in Aberdeen and Huron, respectively, during most of that year.

The Class I milk price which would have been provided under this formula for June 1954 is \$4.22. The stated prices paid producers at the time of the hearing by representative handlers located in each of the five cities in the proposed marketing area for base or Class I milk containing 3.5 percent butterfat were \$4.44 in Huron, \$4.25 in Aberdeen, \$4.09 in Watertown, \$4.00 in Redfield, and \$3.64 in Webster.

Class I prices should be announced by the market administrator by the fifth day of the month. In order to do this, it is necessary to use price quotations for the preceding month in calculating the basic formula price.

Class II price. Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

Most handlers in the proposed area have extremely limited facilities for handling any milk above that needed for their day to day fluid operations. A few handlers manufacture such byproducts as cottage cheese and ice cream mix for the needs of their own trade. However, most milk not needed for fluid distribution in the market must be transferred or diverted from the plant at which it is usually received to a plant having adequate manufacturing facilities.

The one plant in the area at which extensive manufacturing operations are carried on is the Spink County Dairy in Redfield. Facilities are maintained at this plant for making butter, Cheddar cheese, condensed buttermilk, and various other dairy products. Although the large quantities of manufactured dairy products produced at this plant are made principally from ungraded milk, surplus milk from fluid milk plants in the major cities in the marketing area is moved to the Spink County Dairy during the months of high production. Testimony at the hearing indicated that the milk purchased from these fluid milk plants was used in the manufacture of Cheddar cheese. Some of the milk plants in Minnesota from which fluid milk is distributed in the marketing area maintain their own manufacturing operations, utilizing milk received from ungraded dairy farms in addition to the graded milk not needed in their fluid operations.

Prices to producers for milk which is in excess of that paid for by the handlers as base or Class I milk vary between plants in the area. The price which a handler will pay for surplus milk is frequently based on the outlets which he has available to him. If such handler disposes of his excess milk for use in higher valued manufactured products, such as cottage cheese and ice cream mix, he will be in a position to pay a better price to his producers than if the surplus was disposed of for butter or Cheddar cheese manufacture.

Prices paid by manufacturing plants to handlers for excess milk vary in relation to the market value of the dairy products which they manufacture. Another factor determining the price which a handler will receive for excess milk is the price at which alternative supplies of milk from other sources are available in the area for manufacturing purposes. Handlers will dispose of excess to those plants which will pay the highest price at the time of such disposal.

As indicated elsewhere in this decision, substantial quantities of butter and Cheddar cheese manufactured in the area are sold in Chicago and in Green Bay, Wisconsin, respectively. Trading on these markets reflect prices which are established on a national basis. Likewise, Minnesota plants from which milk and cream are distributed in the marketing area dispose of manufactured dairy products in markets in which prices established are used as representative price quotations nationally

On a 3.5 percent basis, prices paid to producers at the time of the hearing for excess or surplus milk, by handlers in the marketing area ranged from \$2.24 to \$2.80 per hundredweight. Comparable prices for ungraded milk throughout the area were not indicated on the record, and neither was there any indication of any representative group of manufacturing plants whose pay prices for ungraded milk might be used as a determination in establishing the Class II price.

Evidence adduced at the hearing emphasized the need for aligning the level of the Class II price under the Eastern South Dakota order with that provided in the nearby Federal order markets. The Class II pricing provisions in the Sioux City and Omaha-Lincoln-Council Bluffs orders are identical, and the same formula has been proposed for the Sioux Falls-Mitchell marketing order. In effectuating orderly marketing throughout the overlapping territory in which the handlers in the nearby Federal order markets and Eastern South Dakota handlers operate, it is necessary to provide for a Class II pricing formula in the proposed order which will yield a price in line with that prevailing in the nearby regulated markets.

The formula provided in the attached order for determining the Class II price is based on the average daily quotations for 92-score butter at Chicago and the average of the carlot prices for nonfat dry milk solids, both spray and roller process, for human consumption delivered at Chicago, as reported by the U. S. Department of Agriculture. These quotations are accepted as suitable and representative factors to be used in formulas establishing prices for manufacturing milk, and are used in determining the Class II price in nearby Federal order markets. For the year 1953 the Class II price obtained by the proposed formula for milk containing 3.5 percent butterfat would have averaged \$3.25 per hundredweight, the same price as would have resulted from the Class II pricing provision in the Sioux City order. For June 1954 the Class II price formula proposed for the Eastern South Dakota order would have resulted in a price of \$2.82 per hundredweight for 3.5 percent milk.

Provision is made in the attached order which will permit a handler to divert any milk clearly not needed in his own operations directly to manufacturing plants. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing

prices for Class Π milk throughout the year.

Butterfat differentials. As pointed out previously herein, it is concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II prices of milk in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in value due to variations in the butterfat content of each product. The basing point from which such adjustments are made should be 3.5 percent butterfat. This is the basis now applicable to most of the milk distributed in the marketing area.

The butterfat differentials for Class I and Class II milk should be equivalent to the values provided in the nearby Federal order markets for adjusting the class prices for butterfat variations. This is necessary and desirable since the level of class prices proposed elsewhere in this decision are in alignment with those in the nearby regulated markets. For each one-tenth of one percent of butterfat above or below 3.5 percent the Class II price would be increased or decreased, respectively, by subtracting 0.8 cent from the value obtained by multiplying the average price of 92-score butter at Chicago by 0.125. The Class T butterfat differential would be determined by adding 2.8 cents to the Class II differential.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets.

The butterfat differential used in making payments to producers should be calculated at the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class. Thus, producer returns for butterfat will reflect the actual sale value of their butterfat at the class prices provided in the order. The producer butterfat differential in no way affects the handlers' cost of milk but merely prorates returns among producers whose milk differs in butterfat test.

(d) Distribution of the proceeds to producers. The individual handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk. Under this type of pool, the minimum prices will be uniform to all producers

delivering their milk to the same handler. The blend, or actual pay price, that a producer receives will depend on the proportion of the producer's milk used in Class I and Class II milk by the handler receiving his milk. Although each handler subject to the order will be required to pay uniform minimum prices to all the producers who deliver to him during each month, the minimum blend prices payable to producers by the various handlers will differ according to the variation among handlers in the proportion of milk used in each class.

The record indicates that no handler in the area is carrying an undue proportion of excess milk in order to supply other handlers with supplemental milk. Under these conditions an individualhandler pool in the Eastern South Dakota marketing area will tend to result in optimum allocation of producer milk among handlers according to Class I needs of the handler and in maximum returns to producers from their milk.

Payment to producers. The order should provide that each handler with respect to milk received from a producer, for which payment is not made to a cooperative association, shall pay such producer at not less than the applicable uniform price on or before the 12th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semimonthly provision should be made for partial payments to such producers on or before the 27th day of each month for milk delivered during the first 15 days of such month at not less than the uniform price per hundredweight for the preceding month. No adjustment for butterfat content is required on such partial payment.

With respect to the producers whose milk was caused to be delivered by a cooperative association which is authorized to collect payment for such milk. the handler shall, if requested in writing by the cooperative association, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producer. Handlers shall make such payments to cooperative association on or before the 25th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 10th day of the following month.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer. At the time final settlement is made for milk received from producers during the month the handler should be required to furnish to each producer a supporting statement. Such statement would list the pounds and butterfat tests of milk received from him, together with the rates of payment for such milk and a description of any deductions claimed by the handler.

Provisions relative to unpriced milk. It is unnecessary that the order provide for a compensatory payment on unpriced milk disposed of as Class I milk in the marketing area. It was proposed at the hearing that payment be made to the market administrator on such unpriced milk at the rate of the difference between the Class I and Class II prices during the months of March through July and at the difference between the Class I and uniform prices for all other months. Funds thus collected by the market administrator would be distributed to producers shipping to pool plants.

As provided elsewhere in this decision. milk distributed in the marketing area by handlers regulated by other Federal orders would not be subject to the pricing provisions of the Eastern South Dakota order. Except for distribution made by such handlers and by producerhandlers, there is no evidence on the record which indicates that any milk is now being distributed in the marketing area from plants other than those which would be regulated as pool plants under the order. Moreover, pool plant standards provided in the order are not likely to encourage the displacing of priced milk by the distribution of unpriced milk in the marketing area.

Any handler on the market becomes fully regulated during any month in which he distributes an average of 750 pounds of milk daily or 5 percent of his receipts from dairy farmers as Class I milk in the marketing area. Consequently any new handler on the market could not expand his business in the marketing area beyond these relatively small amounts without becoming regulated on the same basis as other handlers on the market. Testimony at the hearing did not indicate that the stability of the market would be threatened by the possibility of such unregulated handlers coming on the market.

Supply plants not regularly associated with the market and from which milk is shipped to a pool plant in any month of March through July would become fully regulated in such month. This would take away the advantage that such plants or handlers obtaining milk from such plants might otherwise have during these months when the supply of milk is plentiful. The record does not indicate that producer milk under the proposed order would be displaced during other months by unpriced milk obtained from such supply plants or that dairy farmers supplying such milk are not receiving the equivalent of Class I prices under the proposed order on incidental or supplemental milk shipped to the market during such months.

The fact that other nearby Federal order markets contain provisions for compensatory payments on unpriced milk was cited by proponents at the hearing. That some Federal orders under specific conditions require payments on unpriced milk does not justify a provision for such payments in the proposed order. It was not established on the hearing record that marketing conditions in these other areas are the same as those in the Eastern South Dakota marketing area. In the other markets to which reference was made (Sioux City Iowa and Black Hills, South Dakota) the orders provide for marketwide pooling of returns to producers. Distribution of returns to producers under the proposed order is provided for

on an individual handler pool basis. Compensatory payments are not so necessary under such a pooling arrangement.

It is concluded that the intent of the act would best be effectuated in the Eastern South Dakota marketing area without incorporating in the proposed order at the present time a provision requiring compensatory payments on unpriced milk disposed as Class I milk in the marketing area.

(e) Administrative provisions. Provisions should be included in the order with respect to the administrative steps necessary to carry out the proposed regula-

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Such terms as are defined in the attached order are common to many other Federal milk orders.

Market administrator Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In-addition to the regular reports required of handlers, provision is made for handlers to notify the market administrator of their intentions to import other source milk. Such information on a marketwide basis may assist handlers in locating local sources of producer milk and expedite the transfer of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk and that proper payments were made to producers. Since the books and records of all handlers cannot be completed or audited immediately after the milk has been delivered to a plant, it therefore becomes necessary to keep such records for a reasonable period of time.

The order should provide limitations on the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F R. 444) That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than 5 cents per hundred-weight, or such lesser amount as the Secretary may from time to time prescribe, on (a) producer milk (including such handler's own production) (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I milk disposed of on routes in the marketing area from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by some handlers to supplement local producer supplies of milk.

Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense with respect to such milk sold in the marketing area will help to defray the costs of such checks.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 5 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 5 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

General findings. (a) The proposed marketing agreement and the order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and

wholesome milk and be in the public interest: and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to, persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on exceptions. Within the period reserved therefor, exceptions were filed on behalf of several parties to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Eastern South Dakota Marketing Area" and "Order Regulating the Handling of Milk in the Eastern South Dakota Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of February 1955.

SEAL EARL L. BUTZ,

Assistant Secretary.

Order ¹ Regulating the Handling of Milk in the Eastern South Dakota Marketing Area

§ 929.0 Findings and determinations-(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

- (1) The said order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;
- (3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held:
- (4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and
- (5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts within the month of (i) producer milk, including such handler's own production, (ii) other source milk at an approved plant which is classified as Class I milk, and (iii) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from an approved plant.

Order relative to handling. It is therefore ordered, that on an after the effective date hereof the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 929.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 929.2 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 Department. "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 Person. "Person" means any individual, partnership, corporation, association or any other business unit.

§ 929.5 Cooperative association. "Cooperative association" means any cooperative marketing association which

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the Secretary determines, after application by the association:

- (a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and
- (b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 929.6 Eastern South Dakota Marketing Area. "Eastern South Dakota marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Aberdeen, Huron, Redfield, and Watertown, all in the State of South Dakota.

§ 929.7 Pool plant. "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 750 pounds per day or not less than 5 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other pool plants located in the marketing area, (b) any plant which during the months of February through July ships Grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: Provided, That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a pool plant pursuant to this section.

- § 929.8 Approved plant. "Approved plant" means a pool plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except pool plants) located in the marketing area.
- § 929.9 Nonpool plant. "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.
- § 929.10 Handler "Handler" means any person in his capacity as the operator of an approved plant.

§ 929.11 Producer "Producer" means any person, except a producerhandler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant or (b) diverted by the operator of a pool plant for his account to a nonpool plant: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February. Provided. That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 929.12 Producer milk. "Producer milk" means only that skim milk or butterfat contained in milk"(a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a non-pool plant in accordance with the conditions set forth in § 929.11.

§ 929.13 Approved milk. "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a pool plant, except the plant of a producer-handler, and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 929.14 Other source milk. "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 929.41 (a) except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 929.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

§ 929.15 Producer-handler "Producer-handler" means any person who produces milk and who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 129.16 Chicago butter price. "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 929.20 Designation. The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 929.21 Powers. The market administrator shall have the following powers with respect to this order:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations:
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 929.22 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or

such lesser period as may be prescribed by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions:

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(d) Pay out of the funds provided by § 929.83 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary surrender the same to such person as the Secretary may designate:

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 929.30 and 929.31 or payments pursuant to §§ 929.80 through 929.83

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary.

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information:

(i) Verify all reports and payments by each handler by audit, if necessary of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

and
(j) Publicly announce and notify each handler in writing on or before: (1) the 5th day of each month the Class I milk price pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a) both for the current month, and the Class II milk price pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.51 (b) both for the preceding month, and (2) the 8th day after the end of each month, the unform price pursuant to § 929.71 and the butterfat differentials to be paid pursuant to § 929.81.

REPORTS, RECORDS AND FACILITIES

§ 929.30 Reports of receipts and utilization. On or before the 6th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

- (a) The quantities of skim milk and butterfat contained in receipts of producer milk;
- (b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 929.41 (a) (1) received from other handlers;
- (c) The quantities of skim milk and butterfat contained in other source milk;
- (d) Inventories of products designated as Class I milk pursuant to § 929.41 (a) (1) on hand at the beginning and end of the month, and
- (e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.
- § 929.31 Other reports. (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler, except a producerhandler, shall report to the market administrator in detail and on forms prescribed by the market administrator.
- (1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;
- (2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such milk; and
- (3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.
- § 929.32 Records and facilities. Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:
- (a) The receipt and utilization of all skim milk and butterfat handled in any form
- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;
- (c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and
- (d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.
- § 929.33 Retention of records. All books and records required under this

order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain. Provided, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

- § 929.40 Skim milk and butterfat to be classified. The skim milk and butterfat at pool plants which is required to be reported pursuant to § 929.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 929.41 through 929.46.
- § 929.41 Classes of utilization. Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:
- (a) Class I milk. Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored) cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products in hermetically sealed containers) and not accounted for as Class II milk;
- (b) Class II milk. Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section, (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month, and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 929.11) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: and (4) in shrinkage in other source milk.
- § 929.42 Shrinkage. The market administrator shall allocate shrinkage over a handler's receipts as follows:
- (a) Compute the total shrinkage of skim milk and butterfat for each handler and
- (b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.
- § 929.43 Transfers. Skim milk or butterfat disposed of from a pool plant shall be classified:
- (a) As Class I milk if transferred in the form of products designated as Class I milk in § 929.41 (a) (1) to a pool plant of another handler, except a producer-

- handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 929.30 · Provided, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: And provided further That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.
- (b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 929.41 (a)
- (c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant located in the marketing area or not more than 100 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:
- (1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred,
- (2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and
- (3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.
- (d) As Class I milk if transferred in bulk form as cream to a nonpool plant unless.
- (1) Such cream is transferred without Grade A certification of any health authority.
- (2) The handler claims Class II in his report submitted to the market administrator pursuant to § 929.30 on or before the 6th day after the end of the month within which such transaction occurred;
- (3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator, for the purpose of verification, and
- (4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.
- § 929.44 Responsibility of handlers and reclassification of milk. (a) In establishing the classification of skim milk and butterfat as required in § 929.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.
- (b) Any skim milk or butterfat shall be reclassified if verification by the mar-

ket administrator discloses that the original classification was incorrect.

§ 929.45 Computation of the skim milk and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plants of each handler and shall compute the pounds of butterfat and skim milk in each class for such handler Provided. That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 929.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 929.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 929.41 (b) (3)

- (2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: Provided, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;
- (3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 929.41 (a) (1) on hand at the beginning of the month: Provided, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;
- (4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products designated as Class I milk in § 929.41 (a) (1) according to its classification as determined pursuant to § 929.44 (a)
- (5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph, and
- (6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."
- (b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.
- (c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 929.50 Basic formula price. The higher of the prices computed pursuant to paragraphs (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Occonomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed pursuant to § 929.51 (b)

§ 929.51 Class prices. Subject to the provisions of § 929.52 the class prices per hundredweight shall be as follows:

(a) Class I milk price. The Class I milk price shall be the basic formula price for the preceding month, plus \$1.40.

- (b) Class II milk price. The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph and rounding to the nearest cent.
- (1) Multiply the Chicago butter price by 1.25, subtract 8 cents, and multiply by 3.5.
- (2) For each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound multiply by 3 cents and add 17 cents thereto. The price per pound of nonfat dry milk solids to be used shall be the simple average of carlot prices for nonfat dry milk solids for human consumption, both spray and roller process, delivered at Chicago as reported by the Department during the month. In the event the Department does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 929.52 Butterfat differentials to handlers. If the weighted average butterfat content of the milk received from producers classified, respectively in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 929.51 for each one-tenth of 1 per-

cent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(a) Class I milk. Add 2.8 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month.

(b) Class II milk. Multiply the Chicago butter price for the current month by 0.125, subtract 0.8 cent, and round

to the nearest one-tenth cent.

§ 929.53 Use of equivalent prices. If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 929.60 Producer-handlers. Sections 929.40 through 929.46, 929.50 through 929.52, 929.70, 929.71, 929.80 through 929.84, and 929.90 through 929.93 shall not apply to a producer-handler.

§ 929.61 Plants subject to other Federal orders. A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 929.30) and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 929.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Eastern South Dakota marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 929.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to § 929.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 929.70 Net obligation of handlers. The net obligation of each handler for producer milk received at his pool plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the vertification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous

months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (3) and (b) whichever is less.

§ 929.71 Computation of uniform prices for handlers. For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add or subtract for each onetenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk:

(b) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(c) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content.

PAYMENTS

§ 929.80 Time and method of payment for producer milk. (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the 27th day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph, and

(2) On or before the 12th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat differential to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments made to such producer, and (iii) less proper deductions authorized in writing by such producer.

(b) In the case of a cooperative association which is authorized to receive payment for the milk of its members and which has so requested any handler in writing, such handler shall make payment to the cooperative association for milk received during the month from the producer members of such association as follows:

(1) On or before the 25th day of the month an amount equal to not less than the uniform price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from producer members who did not discontinue delivering milk to such handler before the 25th day of the month, less proper deductions authorized in writing by such cooperative association to be made from payments due pursuant to this subparagraph; and

(2) On or before the 10th day of the following month, an amount equal to not less than the uniform prices adjusted by the butterfat differential to producers multiplied by the hundredweight of milk received from such producer members during the month, subject to the following adjustments: (i) less payments made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments to such cooperative association, and (iii) less proper deductions authorized in writing by such cooperative association.

(c) In making the payments to producers pursuant to this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month.

(1) The month and identity of the handler and of the producer.

(2) The daily and total pounds and the average butter at content of milk received from such producer.

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order.

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler and

(6) The net amount of payment to such producer.

§ 929.81 Butterfat differential to producers. The applicable uniform prices to be paid each producer pursuant to § 929.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 929.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 929.82 Adjustment of accounts. Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making

payments, as set forth in the provisions under which such error occurred.

§ 929.83 Expense of administration. As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at an approved plant which is classified as Class I milk, and (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from an unapproved plant.

§ 929.84 Termination of obligations. The provisions of this section shall apply to any obligation under this part for the payment of money

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain. but need not be limited to, the following information.

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact.

material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed. or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.90 Effective time. The provisions of this part or any amendment to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.91.

§ 929.91 Suspension or termination. The Secretary may suspend or terminate any or all of the provisions of this order whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 929.92 Continuing power and duty of the market administrator If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this order, the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 929.93 Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions of this order, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.100 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 929.101 Separability of provisions. If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing that a Referendum be Conducted Among the Producers Supplying Milk to the Eastern South Dakota Marketing Area and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 608c (19)) it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Eastern South Dakota marketing area) who, during the month of January 1955, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1955 is hereby determined to be the representative period for the conduct of such referendum.

Andrew T. Radigan and Hobart E. Crone are hereby designated agents of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGIS-TER on August 10, 1950 (15 F R. 5177) such referendum to be completed on or before the 25th day from the date this referendum order is issued.

Done at Washington, D. C., this 24th day of February 1955.

[F R. Doc. 55-1784; Filed, Mar. 1, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. Sec. 641) as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

T. 11 S., R. 13 E., B. M., Idaho, T. 11 S., R. 13 E., B. M., Idano,
Sec. 34, NE¼, E½SW¼, SE¼,
Sec. 35, E½, W½NW¼, W½SW¼.
T. 12 S., R. 13 E., B. M., Idano,
Sec. 1, Lot 4, SW¼NW¼, W½SW¼,
Sec. 2, Lot 2, SW¼NE¼, Lot 1, S½SE¼, Lot 4; Sec. 3, E1/2W1/2, W1/2E, W1/2NW1/4, NW1/4 SW¼, NE¼NE¼, Sec. 4, Lot 1, SE¼NE¼, E½SE¼,

Sec. 10, NW¼, W½NE¼, Sec. 11, NW¼, E½SE¼, SW¼SE¼, Sec. 12, N½NW¼, SW¼NW¼, S½, Sec. 13, W½, N½SE¼, E½NE¼, SW¼ NE¼, Sec. 14, SE¼SE¼, SE¼SW¼, Sec. 15, SE 1/4,

Sec. 24, NE¼NW¼, SE¼SW¼, W½SE¼,

SW¼NE¼, Sec. 25, W½NE¼, Sec. 26, SW½SW¼,

Sec. 27, SW 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4.

The areas described total 4,115.02 acres.

The lands described are located in Idaho Grazing District No. 1. The lands are located at distances of from about 8 to 13 miles southerly from Castleford, Idaho, via a hard-surfaced county roadand in part by little-improved connecting roads. Situated on a bench of nearly level to gently undulating surface, the elevations of the lands range from about 4,300 feet to approximately 4,500 feet. There are some low outcrops of basaltic lava, which have resulted in some minor knolls. Slopes are generally northerly and northeasterly and are of low gradients.

Although these lands, more or less, are of somewhat arable quality, most of them contain areas of outcropping lava, of shallow soils, or of lava fragments. Their receipt of annual precipitation is insufficient to permit the economic production of agricultural crops thereon by ordinary or by dry-farming methods. There is no known water supply for their adequate irrigation on a permanent basis. Thev were reconveyed to the United States because of the fact that under the local Carey Act Project (as to State Segregation List No. 26) there was no project water available for their irrigation. Available information is to the effect that local ground waters are at economically unfeasible depths. It is thus very doubtful that any of these lands could be favorably classified for entry under the agricultural land disposal acts.

The $E\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 11, $S\frac{1}{2}$ SW1/4, Sec. 13; SE1/4SW1/4, SW1/4SE1/4, SE¼SE¼, Sec. 14; SE¼, Sec. 15, E½ NW¼, Sec. 23; NE¼NW¼, Sec. 24, T. 12 S., R. 13 E., B. M., Idaho, are included in desert-land entries Idaho 0662, 02487 and 02509, and are not subject to the provisions of the act of September 27, 1944

(58 Stat. 747. 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

No other application for these lands will be allowed under the homestead, desert-land, small-tract or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of classification or shall be so classified upon consideration of an application.

Any other application that is filed will be considered on its merits. The remaining lands, not entered as indicated herein, will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands, except those lands shown to be entered, until 10:00 a. m. on the 35th day after the date of this order. At that time, the said lands, except those shown to be entered, shall become subject to application, petition, location and selection under the applicable publicland laws, subject to the valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747 43 U. S. C. 279-284) as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a.m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office,

Box 2237, Boise, Idaho.

J. R. PENNY, State Supervisor

FEBRUARY 21, 1955.

[F R. Doc. 55-1773; Filed, Mar. 1, 1955; 8:45 a. m.]

[68305]

MONTANA

PARTIAL REVOCATION OF ORDER OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

FEBRUARY 24, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the order of the Assistant Commissioner of the General Land Office of January 15, 1919, opening lands in the Beaverhead National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233 16 U.S. C. 506-509) is hereby revoked so far as it affects the followingdescribed lands:

(List No. 1-3682)

MONTANA PRINCIPAL MERIDIAN

Beginning at a point on the South boundary of sec. 35, T. 15 S., R. 11 W., from which the corner common to secs. 35 and 36. T. 15 S., R. 11 W. and secs. 1 and 2, T. 16 S., R. 11 W., bears East 7.25 chs., thence S. 35° W., 48.73 chs. N. 11° 30′ E., 40.73 chs. to point on boundary of sec. 35, East, 19.75 chs. to point of beginning.

The area described contains approximately 40 acres.

> W G. GUERNSEY, Associate Director

[F R. Doc. 55-1774; Filed, Mar. 1, 1955; 8:45 a. m.1

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, New Mexico

ORDER OF REVOCATION

DECEMBER 16. 1954.

Pursuant to authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of December 6, 1915 and February 13, 1919, insofar as said orders affect the following described lands: Provided, however That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands heremafter described.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 6 W., Sec. 19, N½NE¼, NW¼ and NW¼SW¼, Sec. 20, NW¼NW¼, NE¼SE¼ and S½

Sec. 30, SE 1/4 NE 1/4 and S 1/2.

T. 30 N., R. 7 W., Sec. 3, lot 6, S½NE¼, SE¼NW¼, NE¼ SW¼, S½SW¼ and SE¼, Sec. 4, lot 8, SW¼NW¼ and SW¼,

Sec. 5, lots 5, 6, and 7, S1/2 NE1/4 and SE1/4 NW1/4,

Sec. 19, lot 13, SE14SW14 and S12SE14. Sec. 20, NE¼SW¼ and S½SW¼, Tracts 39, 40, 41, 42, 43, 44, 45 and 46.

Tracts 39, 40, 41, 42, 43, 44, 45 and 46.

T. 31 N., R. 7 W.,
Sec. 24, N½, W½SW¼ and NE¼SE¼,
Sec. 25, N½SE¼,
Sec. 26, N½N½, SW¼NE¼, SW¼NW¼,
W½SW¼ and NW¼SE¼,
Sec. 30, lot 10 and SE½SW¼,
Sec. 31, lots 7, 8, 11, and 12, and E¼WW

Sec. 31, lots 7, 8, 11, and 12, and E½W½, Sec. 33, N½, SW¼ and W½SE¼. Sec. 34, N½NE¼, Sec. 35, W½NW¼, Sec. 36, SE¼SW¼ and SW¼SE¼.

Tracts 49, 50, 51 and 52.

The above described areas aggregate 4,993.41 acres.

FLOYD E. DOMINY, Acting Assistant Commissioner IMisc. 682341

I concur. The records of the Bureau of Land Management will be noted accordingly

Portions of the above-described lands have been patented and other portions are included in withdrawals for power purposes.

The remaining lands are located in New Mexico Grazing District No. 7 and lie along the San Juan River. These lands are located in San Juan and Rio Arriba Counties and are approximately 40 miles east of Farmington, New Mexico. The lands, in the main, are covered with pinon and juniper trees with small areas covered with sage brush.

soils are very shallow with many sandstone outcroppings. Approximately 750 acres are very rough, being bluffs and deep, narrow canyons. None of the lands are suitable for farming.

No application for the lands may be allowed under the homestead, desertland, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a.m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747: 43 U. S. C. 279-284) as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747 43 U.S. C. 279-284) as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

> W G. GUERNSEY, Associate Director Bureau of Land Management.

FEBRUARY 24, 1955.

[F R. Doc. 55-1775; Filed, Mar. 1, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

WOOL HANDLER'S NONRECOURSE LOAN NOTES WHICH MATURE APRIL 30, 1955, Under 1954 Wool Price Support Pro-GRAM

NOTICE OF FINAL DATE FOR REDEMPTION OF WOOL

Unless earlier demand is made by Commodity Credit Corporation, Wool Handler's Nonrecourse Loan Notes, secured by shorn or pulled wool under the 1954 Wool Price Support Program, which mature April 30, 1955, are due and payable on that date.

Unless the loan notes which mature on April 30, 1955, are repaid on or before this final date for repayment, or the handler on behalf of the growers, pool managers, cooperative marketing associations, or pulleries notifies the holder of the note by telegram that the funds have been placed in the mail, Commodity Credit Corporation will, pursuant to the provisions of the loan note, and without further notice, proceed to offer such wool for sale during the period from May 1 through 14, 1955, at the best price obtainable, but in no event at a price lower than the principal amount of the loan note plus interest and charges. Any amount received from such sales made during this period which is in excess of the principal amount of the loan note plus interest and charges will be returned to the grower, pool manager, cooperative marketing association, or pullery, as the case may be. Wool for which no offers are received or for which prices offered during this period are below the principal amount of the loan note plus interest and charges will be purchased by Commodity Credit Corporation without further notice, pursuant to the provisions of the loan note.

These Wool Handler's Nonrecourse Loan Notes will be held through April 30, 1955, by the banks, having wool lending or servicing agency agreements with Commodity Credit Corporation, and the CSS Commodity Offices, which disbursed the loan proceeds to the various handlers.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421)

Done at Washington, D. C., this 24th day of February 1955.

[SEAL] EARL M. HUGHES,

Executive Vice President,

Commodity Credit Corporation.

[F R. Doc. 55-1804; Filed, Mar. 1, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10844, 10845; FCC 55-249]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING Co.

MEMORANDUM OPINION AND ORDER REOPENING HEARING

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157 for construction permits for new television stations.

1. Radio Associates, Inc. (herein called Radio Associates) and WLOX Broadcasting Company (herein called WLOX) are applicants for a permit to construct a new commercial television broadcast station to operate on Channel 13, assigned to Biloxi, Mississippi. By its order of January 6, 1954, the Commission found each of the applicants to be legally, financially and technically qualified to construct, own and operate a television broadcast station. It found

their applications to be mutually exclusive and designated them for hearing in a consolidated proceeding to determine on a comparative basis which applicant would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

After the taking of testimony the Examiner, on July 7, 1954, released his Initial Decision awarding the permit in question to Radio Associates and denying the application of WLOX. The latter and the Broadcast Bureau filed exceptions to the Initial Decision, and Radio Associates submitted a reply to those exceptions. All of the parties participated in an oral argument on the exceptions before the Commission en banc on December 14, 1954.

2. A more complete detailing of the history of this proceeding or the parties' positions is unnecessary in view of the action taken herein. In considering the WLOX exceptions, we have noted the requests made by that party to remand the proceeding in order to obtain a complete record on several significant matters. In the succeeding paragraphs we will take up the matters upon which WLOX asserts it was deprived of a fair hearing.

3. Loan by Ball. The record shows that Edward Ball, a 1.5 percent stockholder in Radio Associates, in return for loaning that applicant the money for the construction of the station, will receive 55 percent of the stock as security. But the only evidence in the record on this matter is the following agreement: "I, Edward Ball, do hereby agree to loan to Radio Associates, Inc., applicant for new television station, sufficient money for the purpose of construction and operation of the proposed television outlet should Radio Associates. Inc., receive authority from the Federal Communications Commission to construct and operate proposed TV station. This amount will be loaned to Radio Associates, Inc., Biloxi, Mississippi, and I am to receive as security for the loan fifty-five percent (55%) of the issued and outstanding stock of Radio Associates, Inc." WLOX's several timely attempts to determine the particulars concerning this loan, including the important question of who votes the stock while it is held by Ball as collateral, were rebuffed by the Examiner on the ground that the Commission had found both applicants to be financially qualified. The question, however, is not one of financial qualifications but of control of the proposed station. In view of the important bearing this information could have on such factors as integration of ownership and management

and local residence, this proceeding must be remanded to obtain the material facts with respect thereto.

4. Love's violation of Mississippi laws. The dominant figure in the WLOX application is J. S. Love, Jr., a Biloxi hotel owner, who with his wife owns 89.2 percent of the stock. The Examiner permitted testimony showing the sale of intoxicants at Love's hotel and the former maintenance of slot machines there. and then concluded that both these activities, since they were contrary to Mississipi law, reflected adversely on Love (and WLOX's) character qualifications. WLOX vigorously objects to this action by the Examiner. It points out that no party advanced these activities as a point of reliance or preference: that the Examiner himself admitted evidence on this score solely for the purpose of testing Love's credibility and veracity and that if it is to be used for other purposes, WLOX must be given a further hearing to show the practice and attitude in the community toward these matters.1 WLOX also alleges that Radio Associates' stockholder Ball, who owns and operates the nearby Edgewater Gulf Hotel, has engaged in similar violations of the Mississippi prohibition and gambling laws; that Ball did not testify truthfully at the hearing when he testified on direct examination that he does not permit either the sale of liquor or gambling in his hotel, and that if these matters are considered relevant, WLOX should be allowed to develop Ball's transgressions and perjury in a further hearing. The Broadcast Bureau similarly excepts to the Examiner's action because of the absence of any point of reliance on the subject.

5. We believe evidence on these activities of Love was properly admissible in order to permit Radio Associates to rebut WLOX's first point of reliance, superiority in background with respect to local residence and community connections and activities. However, while the Examiner's position is not entirely clear, it would appear that he permitted the eliciting of the testimony in question 'solely on the ground of [testing Love's] veracity and credibility." (Tr. 386.) WLOX, being thus misled, was deprived of the opportunity to introduce evidence showing Love's reputation in the community-rebuttal evidence which is of obvious pertinence to the character qualification question raised by these activities. Fairness demands that WLOX be given such an opportunity at a further hearing. We believe that at this further hearing, all aspects of this liquor and gambling violation question should be resolved because of its bearing on the applicants' character qualifications; accordingly the Examiner is also instructed to permit testimony concerning Ball's alleged transgressions.

6. Adequacy of working-area proposals. In its proposed point of reliance No. 3 (entitled "comparative working-

¹In connection with this latter point, WLOX points to a 1947 Commission decision, In re Application of WGCM Broadcasting Co., 3 RR 956, which, it asserts, exonerated it on just such activities because of the community's attitude toward them.

area proposals") WLOX asserted that its facilities proposals were adequate and those of Radio Associates were inadequate "to permit proper housing, operation, programming, and servicing." The Examiner refused to allow this point on the grounds that the Commission had found each applicant to be "technically qualified," and further that, as proposed, it had no "decisional value" (Tr. 159) And we note that Radio Associates' proposed point of reliance No. 5, relating to the alleged madequacy of WLOX's facilities,2 was also stricken by the Examiner. The finding by the Commission that an applicant is technically qualified is not, however, intended to encompass or preclude the consideration at the hearing of the question here raised. We have stated that physical facilities, when related in a significant manner to the applicant's programming proposals, may constitute a point of preference or demerit. Since the parties' purpose here would appear to be to demonstrate such a relationship between the allegedly inadequate facilities and the effectuation or quality of the proposed programming, the Examiner's principal ground for rejecting the parties' respective points of reliance was erroneous. Because the full language (or detailed specification) of the pro-posed substitute points of reliance referred to at Tr. 159 does not appear to have been anywhere set out in the record. we are unable to review the second ground-that "the point of reliance, as proposed, [does not] have any decisional value" (Tr. 159) In view of the discussion in the record on this point and the Examiner's use of the singular in referring to "point of reliance," however. we believe the matter should be reconsidered again by the Examiner conducting the further hearing to be held (see par. 11, infra) Accordingly should either party still so desire, it may submit its proposed substitute point of reliance referred to at Tr. 159 the Examiner, if he determines after consideration of the specific items or factors relied upon that the party's point of reliance does have decisional significance, will allow the particular point and the introduction of evidence thereunder.

7. Composite week analyses. WLOX's second point of reliance is that its AM station has fully cooperated with Biloxicivic groups in contrast to WVMI (Robmson's AM station) which has "failed to cooperate to any great degree" with such groups. In its depositions, WLOX introduced testimony of 16 individuals concerning the use of WLOX broadcast facilities for civic purposes. But the Examiner refused, because the depositions "pretty well develop" the subject, to permit the introduction into evidence of WLOX Exhibits 3 and 4 (analyses of 1952 and 1953 WLOX composite week

logs) and 5 ("Important 1953 WLOX Programs") We do not see how WLOX Exhibits 3 and 4 have any significant or probative weight in establishing its point of reliance—cooperation with Biloxi civic groups. However, Exhibit 5 is, for the most part, significant in this respect, and accordingly, should be admitted into evidence and the pertinent portions taken into account by the Examiner.

8. Programming contacts. We have considered the Examiner's ruling at Tr. 63-70, "freezing" the programming contacts to those listed in the McFarland exchange material. By so doing, the Examiner refused to allow Radio Associates to list about 10 additional contacts which has been made. We believe such additional contacts should be admitted into evidence, provided they were made before the exchange of the McFarland material. WLOX will, of course, also be permitted to show additional contacts made before the exchange.

9. We have examined the other grounds urged as warranting a remand and find therein no merit. WLOX argues that the Examiner's denial of its petition to enlarge the issues to include a so-called Evansville (9 RR 1035) issue as to Radio Associate's proposal constitutes error in view of an affidavit submitted by its expert witness showing a roughly 20 percent deficiency with respect to Radio Associate's operating cost. The expert's affidavit asserts a yearly deficiency on the basis of his experience, of \$11,660 in the figure allocated to tube cost, \$4,800 as to the maintenance and repairs figure, and \$17,880 in salary allowance (total, \$34,340) But Ball's financial showing and his commitment to loan "sufficient money * * * for con-struction and operation" of Radio Associates' proposed station controvert the bare allegation in the WLOX petition that "The application does not disclose that such funds are available from any other source." Further, there is no showing whatever in the affidavit that the expert is familiar with the salary expenses appropriate to the Biloxi area, accordingly we do not accept the asserted deficiency of \$17,880 in this department. The remaining allegations, in view of the small amounts involved and the obvious difficulty and, we believe, inability to establish such deficiencies with the accuracy necessary in the circumstances of this case, do not warrant the inclusion of the issue sought. Similarly the Examiner properly refused to permit testimony concerning comparative studio location. WLOX asserted no point of preference on this score; and § 1.841, as then constituted, provided that "proof at the hearing will be adduced only in respect of the matters relied upon by each of the parties * * * "

10. The proceeding will accordingly be remanded to an Examiner to take evidence on the following matters:

- (a) The details and conditions of the proposed loan by Edward Ball to Radio Associates;
- (b) The general reputation in the community and area in question of J. S. Love Jr.
- Love, Jr.,

 (c) The question whether Edward Ball has also violated Mississippi law in the two noted respects (liquor sales and gambling) and, if such violations are established, and if Radio Associates so desires, evidence as to Ball's general reputation in the community and area in question,
- (d) Admission into evidence of WLOX Exhibit No. 5
- (e) Testimony by either applicant of additional programming contacts not listed in the McFarland exchange material and made before the date of that exchange.

In addition, the Examiner, if satisfied by the party's specification—of the decisional significance of the point of reliance advanced, will hear evidence on the following:

- (f) Whether the working areas proposed by Radio Associates are inadequate with respect to housing, operation, and servicing so as to affect adversely the quality of that applicant's programming (WLOX substitute point or reliance No. 3, referred to at Tr. 159)
- (g) Whether WLOX's equipment provisions are inadequate to permit the effectuation of that applicant's remote programming (Radio Associates' proposed substitute point of reliance No. 5 referred to at Tr. 159)

It is pointed out that except for the question of the Ball loan, we do not compel or require the taking of testimony on the other matters listed above; it is rather a matter of the particular party's right, if it so desires, to have the opportunity of establishing facts which may warrant or be of aid to it in obtaining a point of preference over its rival.

11. The Examiner who heard the evidence and issued the Initial Decision of March 28, 1954, is no longer available, having left the Commission. Therefore, another examiner will conduct the further hearing on the matters set out in the foregoing paragraph. After the taking of testimony the Examiner will allow the parties an appropriate period for the filing of proposed findings and conclusions directed only to the matters heard, and will then issue a new Initial Decision taking into account these additional facts and conclusions. That Initial Decision will, of course, also take into consideration the evidence adduced in the previous hearing and the findings and conclusions of the March 28th decision. In order to avoid confusion, we believe it desirable to delineate with some particularity the new Examiner's role with respect to the findings and conclusions of his predecessor. The Exammer is not, of course, to regard his role as of an appellate or review nature; no party is to address exceptions to the March 28th decision to the Examiner. But at the same time, if he should encounter-in drawing up his new Initial Decision-instances of what he deter-

² Originally, this point of reliance asserted that WLOX could not "effectuate its proposed local programming in view of its studios, staff, studio equipment, and operating budget limitations." After being stricken by the Examiner because of its inclusion of an Evansville issue (FCC 54M-507), it was redrafted by Radio Associates so as to assert the inadequacy of the WLOX equipment with respect to the latter's proposed remote programming (Tr. 139).

^{*}In this connection, we note that the Radio Associates' exhibit in the McFarland exchange contains the statement, "These are just a few of the many contacted that have indicated that they will aid and assist in the planning and presentation of religious and educational type programs proposed."

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mines to be clear error in either the facts or conclusions of the March 28th decision, he is not precluded from correcting such errors. In connection with this entire question, the Examiner should bear in mind, particularly where demeanor or conflicts of testimony are shown to be involved, that it is his predecessor who has heard the witnesses.

12. Following the issuance of the new Initial Decision, opportunity will be given the parties to except to all parts of that Decision, oral argument will then be scheduled on the exceptions.

13. We believe the remand action here taken is necessitated by the present state of the record and the material error noted. In view of the absence of any television service at this time to the Biloxi area, we shall take all steps possible to expedite action in this proceeding. The Examiner is similarly directed to make every effort, consonant with a fair and thorough hearing, to expedite the proceeding.

14. In view of the foregoing: It is ordered, this 23d day of February 1955, that the record in the above-entitled proceeding is reopened and the proceeding is remanded for the introduction of evidence directed to the matters set out in paragraph 10 and the issuance thereafter of a new Initial Decision.

Released: February 24, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MODRIS

[SEAL] MARY J

Mary Jane Morris, Secretary.

[F R. Doc. 55-1797; Filed, Mar. 1, 1955; 8:50 a. m.]

[Docket No. 11141; FCC 55M-174]

THEODORE FEINSTEIN

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re application of Theodore Feinstein, Newburyport, Massachusetts, Docket No. 11141, File No. BP-9027 for construction permit.

The Commission having under consideration the above-entitled proceeding:

It is ordered, This 23d day of February 1955, that all parties, or their attorneys, are directed to appear for a second prehearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10;00 a. m., March 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F R. Doc. 55-1798; Filed, Mar. 1, 1955; 8:50 a. m.]

[Docket No. 11163; FCC 55M-181]
VILLAGE BROADCASTING CO. (WOPA)
ORDER CONTINUING PRE-HEARING

ORDER CONTINUING PRE-HEARING CONFERENCE

In the matter of Richard Goodman, Mason Loundy and Egmont Sonderling, a partnership doing business as Village Broadcasting Company (WOPA) Oak Park, Illinois, Docket No. 11163, File No. BP-9271, for construction permit.

The Commission having under consideration an oral request by counsel for the Broadcast Bureau of the Commission that the pre-hearing conference in the above-entitled matter now scheduled for 10:00 a. m. March 1, 1955, be continued to 2:00 p. m. March 1, 1955, and

It appearing that counsel for the applicant, Richard Goodman, Mason Loundy and Egmont Sonderling, a partnership doing business as Village Broadcasting Company (WOPA) has consented to such continuance; and that good cause has been shown for grant of the request:

It is ordered, This 24th day of February 1955, that the request for continuance is granted; and the pre-hearing conference is continued to 2:00 p. m. March 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS, Secretary.

[F R. Doc. 55-1799; Filed, Mar. 1, 1955; 8:50 a. m.]

[Docket No. 11186; FCC 55M-182]
RADIO SERVICES OF WELLSVILLE
ORDER CONTINUING HEARING

In re application of J. S. Mumma, J. M. Cleary J. H. Satterwhite, J. E. Ericson and C. S. Bromeley d/b as Radio Services of Wellsville, Wellsville, New York, Docket No. 11186, File No. BP-9021, for construction permit.

The Commission having under consideration a motion filed February 21, 1955, by applicant above named in the caption that the time for the exchange of exhibits herein be extended from March 1 to April 1, 1955, and the date for commencement of the hearing be extended from March 15 to April 18, 1955, and that the date for the further conference be extended from March 4, 1955, to a date after the exchange of exhibits, for the reason that applicant as well as respondent is in the process of taking additional measurements in accordance with discussions at the prehearing conference held January 13, 1955: and

It appearing that the measurements have not been completed because of adverse weather conditions and that counsel for respondent and counsel for the Broadcast Bureau have agreed to a grant of the motion and to a waiver of § 1.745 of the Commission's rules:

It is ordered, This 24th day of February 1955, that the motion is granted and that the exhibits shall be exchanged April 1, 1955, and that the hearing shall commence at 10:00 a. m. April 18, 1955, and that a further conference shall be held at 10:00 a. m. April 6, 1955, all at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F R. Doc. 55-1800; Filed, Mar. 1, 1955; 8:50 a. m.] [Docket Nos. 11287-11289; FCC 55-235]

EL MUNDO, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CON-SOLIDATED HEARING ON STATED ISSUES

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce de Leon Broadcasting Co., Inc., of P R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911, for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of February 1955;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Mayaguez. Puerto Rico: and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the abovenamed applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, and of all objections to their applications; and were given an opportunity to reply and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that El Mundo, Inc. and Ponce de Leon Broadcasting Co., Inc., of P R. are legally, technically and financially qualified to construct, own and operate a television broadcast station, and are otherwise qualified except as to the matter referred to in issue "1" below and that Supreme Broadcasting Co., Inc., is technically qualified to construct, own and operate a television broadcast station except as to the matter referred to in issue "4" below and is otherwise qualified except as to the matter referred to in issue "1" below .

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 25th day of April 1955 in Washington, D. C., upon the following issues:

(1) To determine whether the program service proposed to be rendered by El Mundo, Inc., Ponce de Leon Broadcasting Co., Inc., of P R., and Supreme Broadcasting Co., Inc., would meet the requirements of the community to be served.

(2) To determine whether Supreme Broadcasting Company Inc., a Louisiana corporation, is authorized to construct, own and operate a television broadcast station in Puerto Rico.

(3) To determine the financial qualifications of Supreme Broadcasting Company Inc., to construct, own and operate the proposed television broadcast station.

(4) To determine the height of the antenna radiation center above mean sea level and above average terrain of the television station proposed by Supreme Broadcasting Company Inc.

(5) To determine whether a grant to El Mundo, Inc., or Ponce de Leon Broadcasting Co. Inc. of P R. of authority to maintain main studios outside Mayaguez would be consistent with the provisions of § 3.613 of the Commission rules.

(6) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his motion

or on petition properly filed by a party to the proceeding, and upon a sufficient allegation of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released. February 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F R. Doc. 55-1801; Filed, Mar. 1, 1955; 8:51 a. m.]

[Mexican Change List 174]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES AND CORRECTIONS IN ASSIGNMENTS

JANUARY 15, 1955.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	An- tenna	Sched- ule	Class	Probable date to commence operation
XEJX	Queretaro, Queretaro (delete vide 1250 kc).	640 kilocycles 250 w D 810 kilocycles	ND	D	п	June 15, 1955
XEXW	Nogales, Sonora (assignment of call letters).	500 w D		D	11	Jan. 15, 1955
New	Caborca, Sonora.	250 w D/100 w N 1150 kilocycles	ND	ប	IV	June 15, 1955
XEAD	Guadalajara, Jalisco (increase in day- time power).	250 w D/125 w N 1250 kilocycles	ND	Ū	IV	Mar. 15, 1955
XEJX	Queretaro, Queretaro (previously 640 kc).	1 kw D/100 w N	ND	ប	IV	June 15, 1955
XESP	San Pedro Tlaquerpaque Jalisco (increase in daytime power).	1D/250 w N	ND	σ	IV	Mar. 15, 1955
XEWM	Villahermosa, Tabasco (change in call letters previously XETH).	5 k w D/500 w N		σ	III-B	Jan. 15, 1955

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, Secretary.

[F R. Doc. 55-1802; Filed, Mar. 1, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6599 et al.]

DOMESTIC TRUNKLINE SERVICE MAIL RATE CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding, originally assigned for March 7, 1955, is postponed and will be held on March 14, 1955, at 10:00 a. m., e. s. t., in Room 5855, De-

partment of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., February 25, 1955.

[SEAL] FRANCIS W BROWN,

Chief Examiner

[F. R. Doc. 55-1806; Filed, Mar. 1, 1955; 8:52 a. m.] [Docket No. 6935]

PIEDMONT AVIATION, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Piedmont Aviation, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for authority to extend Segment 4 of Route 87 to Washington, D. C., as more specifically set forth in the application.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 15, 1955, at 10:00 a. m., e, s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., February 25, 1955.

[SEAL]

Francis W Brown; Chief Examiner

[F R. Doc. 55-1807; Filed, Mar. 1, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2962]

JOHN E. HUGHES

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 23, 1955.

Take notice that John E. Hughes (Applicant) whose address is Chicago, Illinois, filed on September 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in Carter, Payne and Lincoln Counties, Oklahoma, which is sold in interstate commerce to Lone Star Gas Company (contract dated January 1, 1953, price 10 cents per Mcf) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1955, at 9.40 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before

March 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1776; Filed, Mar. 1, 1955; 8:46 a. m.]

[Docket Nos. G-4271, G-4286, G-4287] MONTEREY OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 23, 1955.

Take notice that Monterey Oil Company (Applicant) a Delaware corporation with a principal office in Los Angeles, California, and an office in San Antonio, Texas filed on October 8 and 10, respectively applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant at Docket No. G-4271 produces natural gas from the Aldwell-Spraberry field, Reagan County Texas, which is sold in interstate commerce to Phillips Petroleum Company (contract dated December 1, 1952) for resale.

Applicant at Docket No. G-4286 produces natural gas from the Helen Gohlke Field, Victoria County Texas, which is sold in interstate commerce to Texas Eastern Transportation Corporation (contract dated May 1, 1952) for resale.

Applicant at Docket No. G-4287 produces natural gas from the Helen Gohlke Field, Victoria County Texas, which is sold in interstate commerce to Texas Eastern Transportation Corporation (contract dated May 1, 1953) for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisidiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1955, at 9:50 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1777; Filed, Mar. 1, 1955; 8:46 a. m.]

[Docket No. G-6816]

R. D. NESTER OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 23, 1955.

Take notice that R. D. Nester Oil and. Gas Company (Applicant) whose address is Grantsville, West Virginia, filed on January 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant will produce natural gas from the Cabin Ridge Field, Calhoun County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company (contract dated December 14, 1954, initial price, 20 cents per Mcf; daily deliveries, 100 Mcf) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

.Take further notice that, pursuant to. the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 11, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1778; Filed, Mar. 1, 1955; [F R. Doc. 55-1779; Filed, Mar. 1, 1955; 8:46 a. m.l

[Docket Nos. G-6867, G-68681

PERMIAN BASIN PIPELINE CO. AND OTHA H. GRIMES

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 23, 1955.

In the matters of Permian Basin Company, Docket No. G-6867 Otha H. Grimes, Docket No. G-6868.

Take notice that Permian Basin Pipeline Company of Omaha, Nebraska (Pipeline) and Otha H. Grimes of Tulsa, Oklahoma (Grimes) filed on January 10, 1955, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing them to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Grimes proposes to sell natural gas to Pipeline in an amount of about 5,500 Mcf per day at an initial price of about 10.5 cents per Mcf. This gas is residue gas from Grimes' Lovington Gasoline Plant and is produced from the Southeast Lovington Field in Lea County New

Pipeline proposes to construct and operate approximately 10.9 miles of 65/8inch pipeline between its existing system and Grimes' Lovington gasoline plant, together with metering facilities for the transportation of this supplemental supply of gas into Pipeline's existing system.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 17, 1955, at 9:30 a.m., e. s. t., ın a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

LEON M. FUQUAY. Secretary.

8:46 a. m.]

[Docket No. G-8510]

CROW DRILLING Co., Inc.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Crow Drilling Co., Inc. (Applicant) on January 24, 1955, tendered for filing

proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date 1
Supplemental Agreement, dated Dec. 16, 1954. Notice of change dated Jan. 20, 1955.		Supplement No. 2 to FPC gas rate Schedule No. 2. Supplement No. 3 to FPC gas rate Schedule No. 2.	Feb. 24, 1955 Do.

1 The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter 1) a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until June 1, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 23, 1955.

Issued. February 24, 1955.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1785; Filed, Mar. 1, 1955; 8:48 a, m.]

[Docket No. G-8511]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEET AND PROVIDING FOR HEARING

Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) on January 25, 1955, submitted for filing Third Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, proposing an increase in rates and charges of \$1,526,207, or 4.4 per cent per annum over the rates

established in Opinion No. 275-A issued November 25, 1954, in Dockets Nos. G-1678 and G-1996.

Michigan Wisconsin's proposed increase is predicated upon the rate filings of Phillips Petroleum Company which Michigan Wisconsin states would increase its purchased gas costs by \$1,522,-721 per annum. The increases proposed by Phillips Petroleum Company were suspended until February 1, 1955. Michigan Wisconsin requests an effective date of February 1, 1955, for its filing, without suspension, but with the stipulation that it will refund to its customers any refunds received as a result of Commission action in the Phillips dockets (G-3176, G-6621, and G-7773)

Comments received from the Wisconsin Public Service Commission and the City of Detroit object to only six days' notice that would be available under Michigan Wisconsin's request. The Natural Gas Act does not provide for refunds pursuant to stipulation of proposed increased rates found not to be justified, and further, the increased rates and charges proposed by Michigan Wisconsin's filing have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates and that the above-designated revised tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the said proposed changes in rates and charges; and, pending such hearing and hearing thereon, the above-designated revised tariff sheet be and the same hereby is suspended and the use thereof deferred until April 1, 1955, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f))

of the Commission's rules of practice and procedure.

Adopted: February 23, 1955.

Issued: February 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-1786; Filed, Mar. 1, 1955; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT COMMISSIONER FOR PROGRAMS ET AL.

DELEGATIONS OF FINAL AUTHORITY

Section II Delegations of final authority, is amended as follows:

Subparagraph G 8 is amended to read as follows:

8. With respect to notes, lien instruments, conditional sales contracts, leasepurchase contracts, and restrictive provisions of deeds of conveyance (such as provisions with respect to mineral rights. easements, and reversionary rights) To execute releases and quitclaim deeds of the Government's interests; to take appropriate action for the enforcement of compliance with the terms and conditions of such instruments: to execute contracts for appraisals and surveys: to execute amendments to such instruments; to approve or disapprove budgets and take other actions which under such instruments are required to be taken by the Commissioner or by the PHA, to sell and assign such instruments: to execute contracts with agents for the servicing of such instruments; and to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised.

Assistant Commissioner for Programs.

Deputy Assistant Commissioner for Programs.

Director, Mortgage Servicing Branch.

Date approved: February 21, 1955.

[SEAL] CHARLES E. SLUSSER,

Commissioner

[F. R. Doc. 55-1781; Filed, Mar. 1, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3777]

SCURRY-RAINBOW OIL LTD.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPOR-TUNITY FOR HEARING

FEBRUARY 24, 1955.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from 1302 **NOTICES**

listing and registration include the following:

The shares are listed and actively traded on the American, Toronto and Calgary stock exchanges. The listing on the Midwest Stock-Exchange has produced only sporadic volumes and the shares have been relegated to the inactive post and no longer are assigned to a specialist, resulting in extreme inactivity thereon.

The applicant desires to eliminate or avoid certain expenses of listing on the Midwest Stock Exchange, including those growing from the latter's requirements that the functions of transfer agent and registrar be performed by two separate agencies and that stock certificates be engraved.

The Midwest Stock Exchange has in this instance waived its rule requiring stockholder approval of delisting from that Exchange.

Upon receipt of a request, on or before March 16, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security the Commission will determine whether to set the matter down for Such request should state hearing. briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 55-1782; Filed, Mar. 1, 1955; [F R. Doc. 55-1789; Filed, Mar. 1, 1955;

INTERSTATE COMMERCE COMMISSION

[No. 31687]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES

INVESTIGATION WITH RESPECT TO TRANS-PORTATION BY RAILROAD OF VARIOUS COMMODITIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of February A. D. 1955.

Upon petition, dated November 22, 1954, filed on behalf of common carriers by railroad operating to, from, and between points in the State of Arizona, the Commission, by Division 1, on January 18, 1955, entered an order instituting an investigation, entitled as above, under section 13 (4) of the Interstate Commerce Act with respect to intrastate rates in Arizona for the transportation by railroad of various commodities, as set forth in said petition, and order.

By letter dated February 2, 1955, copies of which were served upon the Arizona Corporation Commission and interested parties, the petitioning railroad respondents request amendment of paragraph VI-C of their petition to include in the list of the commodities upon which the Arizona Corporation Commission has refused to authorize the Ex Parte 175 fifteen percent increase, the following:

Cottonseed. Tailings. Flue dust. Precipitates. Slag.

also to amend paragraph XIII of their petition to show that petitioners seek only a 12 percent increase under Ex Parte 175 as to cottonseed cake and meal and pumice aggregate; and that the order of investigation be amended to include such commodities and for good cause appearing:

It is ordered, That the said petition be, and it is hereby, amended as requested in said letter of February 2, 1955, and that the said order of January 18, 1955, be, and it is hereby amended to include investigation of the Arizona intrastate rates on cottonseed, tailings, flue dust, precipitates, and slag.

It is further ordered, That a copy of this order be served upon each of the parties to this proceeding, that a copy be sent by registered mail to the Governor of the State of Arizona and the Arizona Corporation Commission, at Phoenix, Ariz., that a copy be deposited in the office of the Secretary of the Commission, Washington, D. C., for public inspection, and that a copy be filed with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

GEORGE W LAIRD. Secretary.

8:48 a. m.]

[Notice 49]

MOTOR CARRIER APPLICATIONS

FEBRUARY 25, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the Federal REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with

particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the Federal Register.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act. of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the Federal Register. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 3252 Sub 9 (amended) published in the February 16, 1955 issue, page 999, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. For authority to operate as a common carrier over irregular routes, transporting: Liquid commodities, in bulk, in tank vehicles, between points in Maine. Applicant is authorized to conduct operations in Maine, Massachusetts and New Hampshire.

No. MC 3252 Sub 10 (amended) published in the February 16, 1955 issue, page 999, PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. For authority to operate as a common carrier over irregular routes, transporting: Liquid commodities, in bulk, in tank vehicles, between points in New Hampshire. Applicant is authorized to conduct operations in Maine, Massachusetts and New Hampshire.

No. MC 20260 Sub 15, COORDINATED TRANSPORT, INC., OF ILLINOIS, 1500 West 33d Street, Chicago, Ill. Applicant's attorney Robert H. Levy 39 South LaSalle St., Chicago 3, Ill. For authority to operate as a common carrier over irregular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk. commodities requiring special equipment, and those injurious or contaminating to other lading, between Chicago, Ill., and Cleveland, Ohio, from Chicago over Alternate U. S. Highway 30 to junction 130th Street and the Calumet Super Highway thence over the Calumet Super Highway to junction Tri-State Highway near Lansing, Ill., thence over the Tri-State Highway to junction Indiana Highway 152, thence over Indiana Highway 152, to junction U. S. Highway 6, thence over U.S. Highway 6, to junction U.S. Highway 20, thence over U.S. Highway 20, to Cleveland (also

from junction U. S. Highway 20 and Ohio Highway 10 over Ohio Highway 10 to Cleveland) and return over the same routes.

Note: No intermediate or off-route points are sought to be served. The above-described routes are sought as alternate routes, for operating convenience only. The junction of U. S. Highway 20 and Ohio Highway 10, the junction of Indiana Highway 15 and U. S. Highway 6 and points of ingress and egress on the Calumet Super Highway and on the Tri-State Highway are sought to be served as points of joinder only. Applicant is authorized to conduct operations in Wisconsin, Indiana, Illinois, and Ohio.

No. MC 22301 Sub 2, SIOUX TRANS-PORTATION COMPANY, a corporation, 1619 Eleventh Street, P O. Box 836, Sioux City Iowa. Applicant's attorney Donald R. Wigton, 1221 Badgerow Building, Sioux City 1, Iowa. For authority to operate as a common carrier over irregular routes, transporting: Bakery goods, between Sioux City Iowa, and points in Illinois except Chicago, Ill.

No. MC 29490 Sub 3, WILLIAM S. CLARK, 506 North Street, Mifflintown, Pa. Applicant's attorney 'Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. For authority to operate as a common carrier over irregular routes, transporting: Fire brick and clay products, from Vandyke, near Thompsontown, Juniata County, Pa., to Buffalo and Lackawanna, N. Y., and empty pallets and skids, and damaged materials on return. Applicant is authorized to conduct operations in Pennsylvania.

No. MC 35320 Sub 44, T. I. M. E., Incorporated, 2604 Texas Avenue, P. O. Box 1120, Lubbock, Tex. Applicant's attorney' W. D. Benson, Jr., Eighth Floor, Lubbock National Bank Bldg., Lubbock, Tex. For authority to operate as a common carrier over irregular routes, transporting: Class A, B and C explosives, between El Paso, Tex., and White Sands, N. Mex. Applicant is authorized to conduct operations in Arkansas, California, New Mexico, Oklahoma, Tennessee and Texas.

No. MC 37656 Sub 6, DOYLE TRUCK-ING CORPORATION, 42-33 24th Street, Long Island City 1, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a contract carrier over irregular routes, transporting: New furniture, home furnishings, and such supplies, materials, and equipment as are used in the display or sale of furniture, between Elizabeth, and Linden, N. J., on the one hand, and, on the other, points in Rockland, and Orange Counties, N. Y. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

No. MC 41064 Sub 2, KENT EXPRESS, INC., 246 Railroad Avenue, P O. Box 60, Aurora, Ind. For authority to operate as a common carrier transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) serving points between Aurora, Ind., and the Indiana-Ohio State line, over U. S. Highway 50, as in-

termediate and off-route points, except Lawrenceburg and Greendale, Ind., and (2) serving points in Indiana south and east of a line extending from the Indiana-Ohio State line near Scipio, Ind., in a westerly direction along Indiana Highway 252 to Brookville, Ind., thence along U.S. Highway 52 to junction Indiana Highway 229, thence in a southerly direction along Indiana Highway 229 to junction Indiana Highway 48, thence along Indiana Highway 48 to Napoleon, Ind., thence in a southerly direction along U.S. Highway 421 to Versailles. Ind., thence along Indiana Highway 129 to junction Indiana Highway 56, thence in a southerly direction to the Ohio River, including all points on the indicated portions of the highways specified, as off-route points, in connection with regular route operations between Aurora, Ind., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Indiana and Ohio.

No. MC 59703 Sub 1, L. D. BUCKING-HAM, doing business as PLEASANT HILL TRANSFER, Pleasant Hill, Mo. Applicant's attorney W M. Anderson, Harrisonville. Mo. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. between Pleasant Hill, Mo., and Kansas City Kans., (1) from Pleasant Hill over Missouri Highway 7 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City and (2) from Pleasant Hill over Missouri Highway 58 to junction By-Pass U. S. Highway 71, thence over By-Pass U. S. Highway 71 to Less Summit, Mo., thence over U.S. Highway 50 to Kansas City and return over the above routes to Pleasant Hill, serving the intermediate point of Kansas City Mo., and points in the Kansas City, Mo.-Kansas City Kans., Commercial Zone as defined by the Commission, and the offroute point of Greenwood, Mo.

No. MC 65346 Sub 22, PACKER CITY TRANSIT LINE, INC., 1148 Velp Avenue, P O. Box 1016, Green Bay, Wis. Applicant's attorney Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a contract carrier over irregular routes, transporting: Fertilizer from Chicago Heights, Ill., to points in the Counties of Kenosha, Ozaukee, Milwaukee, Rock, Dane, Jefferson, Columbia, Marathon, Lincoln, Oneida, Forest, Vilas, and Florence, Wis.

No. MC 69981 Sub 8, ADOLPH E. HULCHER, Virden, Ill. Applicant's attorney Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a common carrier over irregular routes, transporting: Laundry driers, freezers, washing machines, ironers, ranges, and supplies and parts thereof, from Newton, Iowa, to points in Gallatin, Monroe, Woodford, Peoria and Saint Clair Counties, Ill., and ranges and supplies and parts thereof, from Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass,

Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Menard, Mercer, Montgomery, Morgan, Moultrie, Piatt, Pike, Rock Island, Sangamon, Scott, Shelby Stark, Tazewell, Vermilion, Warren, Washington and Whiteside Counties, Ill. Applicant is authorized to conduct operations in Iowa and Illinois.

No. MC 76266 Sub 88, (Amended) Published in the Federal Register January 19, 1955, on page 431. MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Applicant's attorney Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a common carrier over regular routes, transporting: General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. (1) between junction U.S. Highway 14 and Illinois Highway 83 and junction Indiana Highway 51 and U.S. Highway 20, from junction U.S. Highway 14: and Illinois Highway 83 over Illinois Highway 83 to junction Illinois Highway 50, thence over Illinois Highway 50 to junction U.S. Highway 6, thence over U. S. Highway 6 to junction Indiana Highway 51, thence over Indiana Highway 51 to junction U.S. Highway 20 (also from junction U.S. Highway 6 and the Calumet Super-Highway over the Calumet Super-Highway to junction Tri-State Highway near Lansing, Ill., thence over the Tri-State Highway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U.S. Highway 6) and return over the same routes, serving no intermediate points, as an alternate route in connection with applicant's regular route operations over U.S. Highways 14 and 20.

NOTE: Applicant seeks to serve the following as points of joinder only (a) Junction U. S. Highway 6 and Indiana Highway 51, (b) junction Illinois Highway 83 and U. S. Highway 34, (c) junction Illinois Highway 83 and Illinois Highway 72, (d) junction Illinois Highway 83 and U. S. Highway 66, (e) junction Illinois Highway 83 and Alternate U. S. Highway 30, (f) junction Illinois Highway 83 and Illinois Highway 55, (g) junction U. S. Highway 6 and Illinois Highway 50, (h) junction Tri-State Highway and Indiana Highway 152, and (l) junction Indiana Highway 152 and U. S. Highway 6.

(2) between junction U. S. Highways 34 and 51 and junction Illinois Highway 23 and U. S. Highway 34 and 51 over U. S. Highway 34 and 51 over U. S. Highway 51 to junction U. S. Highway 52, thence over U. S. Highway 52 to junction Illinois Highway 23, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular route operations over U. S. Highway 34.

NOTE: The termini are sought to be served as points of joinder only.

(3) between Joliet, Ill., and junction U.S. Highway 6 and Illinois Highway 50,

from Joliet over U. S. Highway 6 to junction Illinois Highway 50, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular route operations over U. S. Highway 6.

NOTE: The junction of U.S. Highway 6 and Illinois Highway 50 is sought to be served as a point of joinder only.

(4) between junction U. S. Highway 34 and Illinois Highway 23 and junction U. S. Highway 52 and Illinois Highway 23, from junction U. S. Highway 34 and Illinois Highway 23 over Illinois Highway 23 to junction U. S. Highway 52 and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular route operations over U. S. Highway 34 and Illinois Highway 23.

Note: The termini are sought to be served as points of joinder only.

Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, and Wisconsin.

NO. MC 83930. THOMAS P GLAZE. Palace Hotel, P O. Box 16, Connersville, Ind. Applicant's attorney Glenn F Morgan, 404-406 International Bldg., Washington 4, D. C. Petition to reopen, reconsider and modify authority described in Permit No. MC 83930, dated April 1, 1949, wherein carrier is authorized to conduct operations as a contract carrier over a regular route, Between Connersville, Ind., and Cincinnati, Ohio, as follows: (1) Garden products, cream, uce cream, radios, newspapers, and refrigerators, From Connersville over Indiana Highway 1 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, and, (2) newspapers, candy, groceries, florist supplies, dry ice. ice cream containers, cream containers. nails, roofing materials, millwork and supplies used in the manufacture of millwork, radios, and refrigerators, From Cincinnati over the above-specified route to Connersville. Service is authorized to and from the intermediate and off-route points of New Trenton. Cedar Grove, Brookville, Blooming Grove, Metamora, and Fairfield, Ind., restricted to the collection and delivery of newspapers moving to and from Cincinnati.

NOTE: Any interested person may obtain a copy of the petition upon request from the applicant's attorney and replies thereto will be considered if filed with the Commission within 40 days after date of publication of this notice in the FEDERAL REGISTER.

NO. MC 89238 Sub 11, ELDON D. AYRES, 1520½ Canyon Street, Spearfish, S. Dak. For authority to operate as a contract carrier over irregular routes, transporting: Crude oil, in bulk, in tank vehicles, from Mush Creek Pumping Station located approximately 12 miles southwest of Newcastle, Weston County, Wyo., to the refinery of the Sturgis Refining Company located within 3 miles of Sturgis, S. Dak.

NO. MC 102567 Sub 43, EARL CLAR-ENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mailing address: P O. Box 1822, Shreveport, La.) Applicant's attorney Jo E. Shaw, First National Bank Building, Houston, Texas. For authority to operate as a common carrier over irregular routes, transporting: Liquid petroleum wax, in bulk, in tank vehicles (1) from the plant of Magnolia Petroleum Company, located at or near Chaison, Texas, to points in Arkansas, and (2) from Lake Charles, La., and points within 20 miles of Lake Charles, La., to points in Arkansas, and damaged shipments on return. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi and Tennessee.

NO. MC 103875 Sub 6, LESTER R. DICK, doing business as DICK TRUCK LINES, P O. Box 207, Riverton, Wyo. For authority to operate as a common carrier over irregular routes, transporting: Ore (all kinds) (1) between points in Wyoming within 125 miles of Riverton, Wyo., including Riverton, Wyo., and (2) from Riverton, Wyo., and points in Wyoming within 125 miles of Riverton, Wyo., to points in Colorado, Utah and South Dakota. Note: Service described in (2) above is for testing purposes only.

NO. MC 103880 Sub 134, (Amended) Published on Page 727 of issue of February 2, 1955, PRODUCERS TRANS-PORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney Robert A. Sullivan, 2606 Guard-1an Building, Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: Liquid chemicals, vegetable and animal inedible oils, greases, tallows and acids, paint and paint materials, in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone as defined by the Commission to points in Indiana, Michigan, Minneseta, Missouri, Ohio, Wisconsin and Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Indiana, Kentucky Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

NO. MC 105997 Sub 9, GEORGE B. HARRIS, SR., and GEORGE B. HAR-RIS, JR., doing business as OIL-WAYS CO. Applicant's attorney Robert R. Hendon, 3200 Cummings Lane, Chevy Chase 15, Md. For authority to operate as a contract carrier over irregular routes, transporting: Denatured alcohol. denatured alcohol solvents, pure spirits, solvents (excepting denatured alcohol solvents) synthetic resin, ester gum solutions, vegetable oils, animal oils, and tall oil, in bulk, in tank trucks, between Newark, N. J., on the one hand, and, on the other, Roanoke, Va., points in Connecticut, Rhode Island, Massachusetts, Vermont, New York, New Jersey, Pennsylvania, Delaware, the District of Columbia, Maryland, and North Carolina, and those in Ohio, West Virginia, Virginia, New Hampshire, and Maine which are located within 350 miles of Newark. Applicant is authorized to conduct operations in Connecticut, New Jersey, New York, and Pennsylvania.

NO. MC 106920 Sub 9, RIGGS DAIRY EXPRESS, INC., P O. Box 57, Versailles, Ohio. Applicant's attorney Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a common carrier over irregular routes, trans-

porting: Frozen foods, from Macon, Marshall, Milan and Moberly, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey New York, Ohio, Pennsylvania and Rhode Island, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, on return movement.

No. MC 108001 Sub 8, OHIO TRICOUNTY TRUCKING CO., 1915 Alexis Road, Toledo, Ohio. Applicant's attorney' Robert A. Sullivan; 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a common carrier over irregular routes, transporting: Limestone, sand and pebbles, from points in Steuben County, Ind., to points in Williams, Defiance, Fulton, and Henry Counties, Ohio. Applicant is authorized to conduct operations in Michigan, and Ohio.

No. MC 108448 Sub 2, JAMES La-CASSE AND ROBERT F KLEIN, doing business as NITEHAWK EXPRESS, 1266 Draper Avenue, St. Paul 13, Minn. Applicant's representative: A. R. Fowler. Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a contract carrier over irregular routes. transporting: Feed ingredients, from LaPlatte, Nebr., and points in Nebraska within four miles of LaPlatte, to Mankato, Minn., and points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Iowa, Minnesota, Nebraska and Wisconsin.

No. MC108890 Sub 2, WALTER WOODS, doing business as WOODS TRANSFER, 220 South Chambers, Sioux City, Iowa. Applicant's representative: Donald R. Wigton, 1221 Badgerow Building, Sioux City, Iowa. For authority to operate as a common carrier over irregular routes, transporting: Commercial feeds, between Sioux City, Iowa, on the one hand, and, on the other, points in Minnesota, those in Nebraska (except points within two hundred (200) miles of Sioux City Iowa) and points in South Dakota (except from Sioux City, Iowa to points within two hundred (200) miles of Sioux City Iowa) fertilizer tankage, and twine, between Sioux City. Iowa, on the one hand, and, on the other. points in Minnesota, Nebraska and South Dakota. Applicant is authorized to conduct operations in Iowa, Nebraska and South Dakota.

No. MC 108905 Sub 12, JASPER & CHICAGO MOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's attorney John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a common carrier over irregular routes, transporting: (1) Building materials, and materials and supplies used in the manufacture and distribution of building materials, from points in Martin and DuBois Counties, Ind., to points in Illinois, Kentucky Michigan, Ohio, Tennessee, Mississippi and Alabama, and points in St. Louis County, Mo., and (2) lumber and fertilizer from points in Tennessee, Ken-

tucky Mississippi and Alabama, to points in Martin and DuBois Counties, Ind. Applicant is authorized to conduct operations in Indiana.

No. MC 109478 Sub 22. WORSTER MOTOR LINES, INC., East Main Road, R. D. No. 1, North East, Pa. Applicant's attorney William W Knox, 1101-1105 Palace Hardware Bldg., Erie, Pa. For authority to operate as a common carrier over irregular routes, transporting: Foodstuffs requiring refrigeration in transit, from Linesville, Pa., and points in Conneaut Township, Crawford County Pa., to points in Ohio, New York, Illinois, Indiana, the lower peninsula of Michigan, New Jersey Massachusetts, Connecticut, Rhode Island, Maryland. Delaware and the District of Columbia, and empty containers of other such incidental facilities (not specified) used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey New York, Ohio, Pennsylvania, Rhode Island, West Virginia and the District of Columbia.

No. MC 110420 Sub 81, (Amended) Published on page 433 of issues of January 19, 1955, QUALITY MILK SERV-ICE, INC., Calumet Street, Burlington, Wis. Applicant's attorney Glenn W Stephens, 121 West Doty Street, Madison 3. Wis. For authority to operate as a common carrier over irregular routes, transporting: All liquid commodities, except petroleum products and milk, in bulk, in tank vehicles, between points in Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky Minnesota, Missouri, Michigan, Nebraska, Ohio, Pennsylvania, Tennessee, Oklahoma. Texas and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas and Wisconsin.

No. MC 110525 Sub 260, CHEMICAL TANK LINES, INC., 520 East Lancaster Ave., Downingtown, Pa. Applicant's attorney Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a common carrier over irregular routes, transporting: Lard, tallow, lard compounds, vegetable oil, and shortening (not otherwise identified by name) in bulk, in tank vehicles, between Rochester, N. Y., on the one hand, and, on the other, Indianapolis, Ind. and points in the commercial zones, as defined by the Commission, of Chicago, Ill., Cleveland, Ohio, and Detroit, Mich. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 110687 Sub 10, R. L. ROGERS, H. L. ROGERS AND H. L. ROGERS, JR., A partnership, doing business as ROGERS TRUCK LINE, P. O. Box 116, Sidney Nebr. Applicant's attorney Ewell H. Muse, Jr., Suite 415, Perry Brooks Bldg., Austin, Texas. For authority to operate as a common carrier over irregular routes, transporting: Machinery, equipment, materials, and supplies, used in, or in connection with the discovery development, production, re-

fining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, materials, equipment and supplies, used in, or in connection with the construction, operation, repair, servicing maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Nebraska. Applicant is authorized to conduct operations in Nebraska, Colorado, Wyoming, Utah, Montana, and Texas.

No. MC 110687 Sub 11, R. L. ROGERS. H. L. ROGERS AND H. L. ROGERS, JR., a partnership, doing business as ROGERS TRUCK LINE, P O. BOX 116, Sidney Nebr. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Bldg., Austin, Texas. For authority to operate as a common carrier over irregular routes, transporting: Machinery, equipment, materials, and supplies, used in or in connection with the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, materials, equipment and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Nebraska, on the one hand, and, on the other, points in Colorado and Wyoming. Applicant is authorized to conduct operations in Nebraska, Colorado, Wyoming, Utah, Montana, and Texas.

No. MC 110988 Sub 37, KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney Edward A. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a common carrier over irregular routes, transporting: Paraffin wax, in liquid form, in tank vehicles, from Oshkosh, Wis., to points in Indiana, Ohio, Arkansas, Missouri, Nebraska (except Omaha) Kansas, Oklahoma, and Tennessee. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Nebraska, and Wisconsin.

No. MC 111008 Sub 4, JESSE KIRK. JR., doing business as JESSE KIRK, JR., TRUCK LINE, P O. BOX 461, North Travis Street, Cameron, Texas, Applicant's attorney Emory B. Camp, Cameron, Texas. For authority to operate as a contract carrier over irregular routes, transporting: Salt and salt products, from Weeks, La., and points within ten (10) miles thereof to points in Texas. and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 111402 Sub 8, FAWLEY MOTOR LINES, INCORPORATED, Broadway Va. Applicant's attorney S. Harrison Kahn, 726–734 Investment Bldg., Washington, D. C. For authority to operate as a common carrier over irregular routes, transporting: Animal feed and poultry feed, shell and grit, from Newfield, N. J. and Lewes, Del., to points in that part of Virginia on and west of

U. S. Highway 29. Applicant is authorized to conduct operations in Maryland, North Carolina and Virginia.

No. MC 111758 Sub 15, LIQUID CARRIERS, INC., P O. Box 241, May Minette, Ala. Applicant's attorney Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting Crude tall oil and black liquor skimmings, in bulk, in tank vehicles, from points in Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas to Bay Minette, Ala. Applicant is authorized to conduct operations in Alabama, Tennessee, Georgia, Louisiana and Florida.

No. MC 112173 Sub 7 (amended) published in the February 1955 issue, ARTHUR THWAITS, 2178 Crestview Drive, Durango, Colo. Applicant's attorney R. Franklin McKelvey Post Office Box 1160, Durango, Colo. For authority to operate as a common carrier over a regular route, transporting: Soda ash, from Westvaco, Wyo., near Green River, Wyo., to Shiprock, N. Mex., from Westvaco over U.S. Highway 30 to junction Wyoming Highway 330, thence over Wyoming Highway 330 to the Wyoming-Colorado State line, thence over Colorado Highway 13 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 50. thence over U.S. Highway 50 to junction U. S. Highway 550, and thence over U. S. Highway 550 to Shiprock, serving no intermediate points. Applicant is authorized to conduct operations in Colorado, Utah and Wyoming.

No. MC 113602 Sub 4, ROMEY L. AUSTIN, 500 South Main Street, Franklin, Ky. For authority to operate as a contract carrier over a regular route. transporting: Whey, in bulk, in tank vehicles, from Murfreesboro, Tenn., to Franklin, Ky., from Murfreesboro, Tenn., over U.S. Highway 231 to junction Tennessee Highway 25, north of Lebanon, Tenn., thence over Tennessee Highway 25 to Gallatin, Tenn., thence over Tennessee Highway 109 to junction U.S. Highway 31-W at Mitchell, Tenn., and thence over U.S. Highway 31-W to Franklin, Ky., serving no intermediate points. Applicant is authorized to conduct operations in Kentucky Tennessee.

No. MC 113779 Sub 10, YORK INTER-STATE TRUCKING, INC., 8222 Market Street Road., P O. Box 9686, Houston 15, Texas. For authority to operate as a common carrier over irregular routes, transporting: Acids, chemicals, chemical by-products and their mixtures, coal tar and coal tar products, in bulk, in tank vehicles, (1) from points in Texas and Louisiana to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky Virginia, West Virginia, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, Wyoming, Colorado, Utah, Arizona, Nevada and California, (2) from points in Louisiana to points in New Mexico; (3) from points in Kentucky to points in Texas and Louisiana, and (4) from points in Califorma to points in Texas and Louisiana.

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No. MC 114364 Sub 17, WRIGHT Waterloo, Iowa. For authority to operate MOTOR LINES, INC., 16th & Elm, Rocky as a common carrier over irregular Ford, Colo. Applicant's attorney Marion F Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in packages, in truckloads, (1) from Kansas City Kans.. to points in Nevada, points in Montana except Billings, Mont., and points within fifty (50) miles of Billings, points in New Mexico south of U.S. Highway 66, points in Oregon on and east of U.S. Highway 97. and points in Washington on and east of U.S. Highway 97 and (2) from Ponca City Okla., to points in Montana. Applicant is authorized to conduct operations in Colorado, Kansas, New Mexico.

Oklahoma, Texas and Wyoming.
No. MC 114413 Sub 12, SEABOARD
FOOD EXPRESS, INC., 3140 Selwyn Avenue, Charlotte, N. C. Applicant's attorney. Harry F Gillis, Mills Building, Washington, D. C. For authority to operate as a common carrier over irregular routes, transporting: Frozen fruits, frozen vegetables, and frozen poultry; frozen seafoods; frozen prepared seafoods and frozen processed seafoods; and frozen foods, from points in Maine, Massachusetts, and Rhode Island. to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 115184, DAVID J. SIEGEL, HYMAN SCHNEIDER and LOUIS PI-CARELLI, doing business as FIVE TEE TRUCKING CO., 5 Plymouth Road, Paterson, N. J. Applicant's attorney J. Almyk Lieberman, 1776 Broadway, New York 19, N. Y. For authority to operate as a contract carrier over irregular routes, transporting: Fresh meats, between Paterson, N. J., and New York. N. Y.

No. MC 115185, WILLIAM J. IRVINE, 1420 Mamie Eisenhower Ave., Boone, Iowa. Applicant's attorney Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a contract carrier over irregular routes, transporting · Cookies, from Boone, Iowa, to points in Nebraska on and east of U.S. Highway 183, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return movement.

No. MC 115188, ROCKY J. VITALE. Cadosia, N. Y. For authority to operate as a common carrier over irregular routes, transporting: Fertilizer from Carteret, N. J., to Sidney Center, Hamden, Downsville, Walton, Hancock, Edmeston, Norwich, Rockdale, and New Berlin, N. Y.

No. MC 115193, WARREN TRANS-PORT, INC., 1326 North Barclay

as a common carrier over irregular routes, transporting: (1) Farm tractors, except experimental farm tractors, and related farm tractor parts, related internal combustion engines and parts thereof when their transportation is incidental to the transportation by applicant of farm tractors, from Waterloo, Iowa, and points in Peru Township, Dubuque County Iowa, to points in Illinois, Wisconsin, the Upper Peninsula of Michigan, and in Porter and Lake Counties, Ind., and (2) Farm tractor show displays, and experimental farm tractors, between Waterloo, Iowa, and points in Peru Township, Dubuque County Iowa, on the one hand, and, on the other, points in Illinois, Wisconsin, the Upper Peninsula of Michigan, and in Porter and Lake Counties, Ind.

Note: The purpose of instant application is to convert carrier's contract authority in Permit No. MC 111326, dated June 15, 1950, to those of a common carrier IMPORTANT This application is directly related to MC-F 5918 published under section 5 applications this issue.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12516 Sub 1, IRVIN L. KIS-SINGER, doing business as KISSINGER TRAVEL AGENCY, 604 A Penn Avenue. West Reading, Pa. Applicant's attorney Sol Paseltiner, 20 Southern Broadway Yonkers 2, N. Y. For a license as a broker in arranging for the transportation of Passengers and their baggage, in the same vehicle with passengers, in interstate or foreign commerce, in round trip, special or charter operations by motor vehicle, beginning and ending at West Reading, Pa., and points within 50 miles thereof, on the one hand, and, on the other, points in the United States, including the District of Columbia.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 106798 Sub 4, BRIDGETON TRANSIT, a corporation, 690 N. Pearl Street, Bridgeton, N. J. Applicant's attorney Robert G. Howell, 102 Broad Street, Bridgeton, N. J. For authority to operate as a common carrier transporting: Passengers and their baggage, in the same vehicle with passengers, serving Mount Holly and Westampton, N. J., as intermediate points in connection with regular route operations between Bridgeton, N. J., and New York, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 115189, SAFEWAY TRANS-PORT, INC., Elm Grove, Wis. Applicant's attorney Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a common carrier over irregular routes, transporting. Passengers (students, proctors, and teachers, and other children and young adults (under 21 years of age)) and their baggage in the same vehicle with passengers, in round-trip charter and special operations, between points beginning and ending in Milwaukee, Washington. Waukesha and Ozaukee Counties, Wis., and extending to points in Illinois on and north of U.S. Highway 30.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b) CORRECTION

The notice of filing of MC-F-5429. appearing on page 8598 of December 15, 1954 issue of the Federal Register is incorrect in that it reads "General Commodities, including household goods" The notice should read, "General Commodities, with certain exceptions, including household goods."

No. MC-F-5910, filed in the February 16, 1955 issue of the Federal Register on page 1004. Supplemental application filed February 10, 1955, to show CANADA STEAMSHIP LINES LIMITED in control of KINGSWAY TRANSPORTS LIMITED.

No. MC-F-5912, PACIFIC INTER-MOUNTAIN EXPRESS CO. - CON-TROL—PUBLIC FREIGHT SYSTEM. Application has been filed under section 210a (b) in connection with the aboveentitled proceeding. Notice of the filing of the application under section 5. Interstate Commerce Act, appears in the FED-ERAL REGISTER, ISSUE of February 16, 1955. at page 1004.

No. MC-F-5918. Authority sought for control and merger by WARREN TRANSPORT, INC., 1326 North Barclay Waterloo, Iowa, of the operating rights and property of DONALDSON TRANS-FER COMPANY, 1400 North Barclay Waterloo, Iowa, and for acquisition by IRWIN D. WARREN AND JOHN E. WARREN, Waterloo, Iowa, of control of the operating rights and property through the transaction. Applicants' attorney. Franklyn R. Overmyer, 111 W Monroe St., Chicago, Ill. Operating rights sought to be controlled and merged. Household goods as defined by the Commission, as a common carrier over irregular routes, from points in Colorado and Nebraska to points in Illinois, between points in Nebraska, on the one hand, and, on the other, points in Minnesota, Colorado, Iowa, and Kansas, between points in Iowa, on the one hand, and, on the other, points in Kansas; tractors, road-making machinery, contractors' equipment and supplies, requiring special equipment, livestock, over irregular routes, from, to and between certain points in Illinois, Nebraska, Colorado, South Dakota, Iowa, Kansas and Minnesota. Applicant is authorized to operate in Iowa, Michigan, Indiana, Illinois and Wisconsin. Application has not been filed for temporary authority under section 210a (b)

Note: Instant application directly related to MC-115193, published in this issue.

No..MC F-5920. Authority sought for purchase by KENMORE TRANSPOR-TATION CO., 1275 Grafton St., Worcester, Mass., of the operating rights of GROVER C. WELLINGTON, doing business as G. C. WELLINGTON, 34 Midway St., Boston, Mass., and for acquisition by ABRAHAM SACK, Worcester, Mass., of control of the operating rights through the purchase. Applicants' attorney Benjamin B. Levenson, 11 Beacon St., Boston 8, Mass. Operating rights sought to be transferred: Electric washing machines and pigments, as a common carrier over regular routes.

from Boston, Mass., to Providence, R. I., serving no intermediate points; pigments, from Boston, Mass., to Cranston, R. I., serving certain intermediate and off-route points; general commodities, with certain exceptions, including household goods, over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston; commercial refrigerators and display cases, from Boston, Mass., to points in Rhode Island. Vendee is authorized to operate in Massachusetts, New York, Connecticut, Rhode Island, and New Jersey. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5921. Authority sought for purchase by DORN'S TRANSPORTA-TION, INC., First Avenue, Rensselaer, N. Y., of the operating rights and certain property of GEORGE LEHR, 1508 De Soto Rd., Baltimore, Md., and for acquisition by FRED N. DORN, Rensselaer, N. Y., of control of the operating rights and certain property through the purchase. Applicants' attorney. John J. Brady, Jr., Room 1010, 75 State St., Albany N. Y. Operating rights sought to be transferred. General commodities, in truckload lots only without exceptions, as a common carrier over regular routes, from Philadelphia, Pa., to Annapolis, Md., serving no intermediate points; general commodities, with certain exceptions, including household goods, between Philadelphia, Pa., and New York, N. Y., serving certain intermediate and off-route points; between Baltimore, Md., and Camden, N. J., between Bel Air, Md., and Aberdeen, Md., between Elkton, Md., and Wilmington, Del., serving certain off-route points, between junction U.S. Highways 40 and 13 (near New Castle, Del.) and Philadelphia, serving all intermediate and certain off-route points; chemicals, in truckload lots only from Maywood, N. Y., to Philadelphia, Pa., from Philadelphia, Pa., to Baltimore, Md., serving no intermediate points; brooms, glass bottles, bottle caps and corks, and women's cloaks, in truckload lots only, from Baltimore, Md., to New York, N. Y., serving certain intermediate points; heating plant equipment and supplies, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, Washington, D. C., Trenton, N. J., Lebanon and Johnstown, Pa., and points in Maryland and Delaware; glass bottles, from Baltimore, Md., to Washington, D. C. Vendee is authorized to operate in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island and Vermont. Application has been filed for temporary authority under section 210a (b)

No. MC-F-5922. Authority sought for purchase by R. E. BAUGHMAN, doing business as HIAWATHA MOTOR COACHES, 429 Jackson St., Topeka, Kans., of a portion of the operating rights and property of TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Ave., Dallas, Tex. Applicants' attorney C. Zimmerman, P.O. Box 730, Wichita, Kans. Operating rights sought

to be transferred: Passengers, as a common carrier over numerous regular routes in thirteen states, between St. Joseph, Mo., and Phillipsburg, Kans., as follows: From St. Joseph over U. S. Highway 36 to junction old U.S. Highway 36, now unnumbered, at or near Fairview, Kans., thence over unnumbered highway via Sabetha, Price, and Oneida, Kans., to Seneca, Kans., and thence over U.S. Highway 36 to Phillipsburg, serving all intermediate points (segment of principal route between Chicago, Ill., and Los Angeles, Calif., as described in Certificate No. MC-109780) Vendee is authorized to transport passengers, over regular routes, between certain points in Kansas. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5923. Authority sought for purchase by NORTHERN TRANSPOR-TATION CO., 3201 Ringsby Court, Denver, Colo., of the operating rights of CLAUDE CECIL RIFE, doing business as RIFE TRUCKING COMPANY, Box 446, Yerington, Nev., and for acquisition by J. W RINGSBY, Denver, Colo., of control of the operating rights through the purchase. Applicants' attorney. John Mueller, Midland Savings Bldg., Denver, Colo. Operating rights sought to be transferred: General commodities, with certain exceptions, not including household goods, as a common carrier over regular routes, over four combinations of regular routes, between Sacramento, Calif., and Yerington, Nev., serving all intermediate points; between Carson City and Yerington, Nev., including Carson City on U.S. Highway 395 and Nevada Highway 3, and the off-route point of Stewart, Nev., and between Minden, Nev., and Bridgeport, Calif., serving the intermediate point of Wellington, Nev Vendee is authorized to operate in California, Nevada, and Utah. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5924. Authority sought for purchase by GRAF BROS., INC., 17 Water St., Newburyport, Mass., of the operating rights and property of RALPH CORMIER, doing business as M. P D. MOTOR EXPRESS, 291 Shasta St., Manchester, N. H., and for acquisition by HENRY GRAF JR., and FRED W GRAF Newburyport, Mass., of control of the operating rights and property through the purchase. Applicants' attorney William S. Green, 875 Elm St., Manchester, N. H. Operating rights sought to be transferred. (1) General commodities, with certain exceptions, including household goods, as defined by the Commission, as a common carrier over regular routes, (a) between Manchester and Dover, N. H., serving all intermediate and certain off-route points; (b) between Manchester, N. H., and Boston, Mass., serving all intermediate and certain off-route points, intermediate points subject to restrictions; (c) general commodities, partly without exceptions, between Portsmouth, N. H., and Cape Neddick, Maine, serving specified intermediate and off-route points: (2) general commodities, with certain exceptions, including household goods. over irregular routes, between points in a defined portion of New Hampshire, on the one hand, and, on the other, points in a described portion of eastern Massachusetts; and (3) specified commodities. varying as to points of origin and destination, over irregular routes, principally iron and steel, from Manchester, N. H., to points in Massachusetts and Vermont: and granite, from Quincy Mass., and points in Washington County Vt., to Manchester, N. H. Vendee is authorized to operate in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, New York, New Jersey and Connecticut. Application has been filed for temporary authority under section 210a (b)

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1790; Filed, Mar. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30301]

STONE, ROCK OR SPLIT FACED, RUBBLE, BE-TWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 25, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved: Stone, rock faced, split faced, or rubble, broken on two sides or more, in random lengths, carloads.

Between: Points in southern territory. Grounds for relief: Rail competition, circuity to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1423, supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1787; Filed, Mar. 1, 1955; 8:48 a. m.]

1308

[4th Sec. Application 30302]

PULPBOARD AND FIBREBOARD FROM SOUTH-ERN TERRITORY TO ILLINOIS AND IOWA

APPLICATION FOR RELIEF

FEBRUARY 25, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1349 and 1378, pursuant to fourth-section order No. 16101.

NOTICES

Commodities involved: Pulpboard or fibreboard, carloads.

From: Points in southern territory. To: Points in Illinois and Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect

to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1788; Filed, Mar. 1, 1955; 8:48 a. m.]